



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A.(MD)No.1463 of 2017
and
C.M.P.(MD)No.11346 of 2017

M.T.Senthilkumar ...Appellant / Petitioner
/Vs./

1.The Commissioner of Rural Development and Panjayat Raj,
Panagal Building,
Saidapettai,
Chennai - 60015.

2.The Project Officer,
Rural Development,
Nagercoil, Kanyakumari District.

3.The District Collector,
Nagercoil,
Kanyakumari District.

4.The District Employment Officer,
District Employment Office,
Nagercoil, Kanyakumari District.

5.A.Kumar ... Respondents / Respondents

Prayer: Writ Appeal - filed under clause 15 of Letters Patent Act to set aside the order dated 03.02.2017 made in W.P.(MD)No.3267 of 2012 on the file of this Court and thereby allow this appeal and direct the respondents 1 to 4 to conduct fresh selection for the post of Driver or in the alternative appoint this petitioner in any of the existing vacancies of driver post.

Prayer in WP(MD). 3267/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus , calling for the records pertaining to the impugned order dated 09.11.2010 E4/30610/2010(2) passed by the 3rd respondent and quash the same as illegal, arbitrary and directing the 3rd respondent's to conduct the selection afresh for appointment to the post of Driver to the petitioner in the place of 5th



respondent Open Competition Non-Priority (General Turn Non - priority).

For Appellant

: Mr.M.R.Sreenivasan

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For Respondents 1 to 4 : Mr.A.Muthu Karuppan

Additional Government Pleader

ORDER

(Order of this court was made by K.KALYANASUNDARAM, J.)

The appellant, who unsuccessfully challenged the appointment of the fifth respondent as a driver in the fourth respondent's office has come up with the present appeal.

2. Heard Mr.R.Sreenivasan, learned counsel for the appellant and Mr.A.Muthu Karuppan, learned Additional Government Pleader for the respondents and perused the records.

3. By consent of both parties, the main Writ Appeal is taken up for final disposal at the admission stage itself.

4. The appointment order of the fifth respondent was assailed mainly contenting that he was 39 years old on the date of appointment and he crossed the age limit. The learned single judge, having found that the appointment of the fifth respondent was made under Rule 3 of Adhoc rules for the post of driver of District Rural Development and Panchayat Raj (E3), dated 14.12.2009, wherein the maximum age limit as on 01.07.2010 for S.C./S.T. Candidates is 40 years and in respect of the other candidates remains 30 years, dismissed the writ petition.

5. Though the learned counsel for the appellant urged that the fifth respondent was over aged on the category of open competition, in view of the reason stated supra, we do not find force in the contention of the learned counsel. Further, it is to be noted that pursuant to the appointment order dated 09.11.2010, the fifth respondent joined duty on 16.11.2010 and the writ petition came to be filed after lapse of two years.

6. In the light of the above facts, No interference is required with the order of the learned single Judge. Accordingly, this writ appeal fails and it is dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/



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Nagercoil, Kanyakumari District.

+One cc to M/s.M.R.Sreenivasan, Advocate, SR.No.91900

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RL/6C/3P/JC/SAR1/8/1/2018

W.A.(MD)No.1463 of 2017

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