



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No.5483 of 2014

L.Ramesh

... Petitioner

vs.

1.The Secretary to the Government,
Department of Home (Pol.XIV),
Government of Tamil Nadu,
Fort St.George,
Chennai- 600 009.

2.The Director General of Police Department/Chairman,
Tamil Nadu Uniformed Services Selection Board,
Mylapore, Chennai- 600 004.

3.The Deputy Inspector General of Police,
Nellai Division,
Tirunelveli- 629 007.

4.The Authorised Officer/Superintendent of Police,
Kanyakumari District,
Nagercoil-629 001.

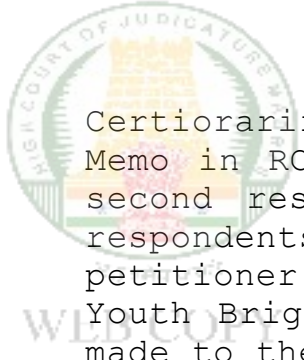
... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Memo in RC.No.A3/3673/2013, dated 09.10.2013, on the file of the second respondent herein and to quash the same and direct the respondents 1 and 2 to consider the relaxation of the age of the petitioner for his recruitment and appointment as Special Police Youth Brigade by considering his representation, dated 07.09.2013 made to the first respondent within a time frame as may be fixed by this Court.

For Petitioner : Mr.Jessi Jeeva Priya for Mr.S.Subbiah
For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

THIS Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of



Certiorarified Mandamus, to call for the records relating to the Memo in RC.No.A3/3673/2013, dated 09.10.2013, on the file of the second respondent herein and to quash the same and direct the respondents 1 and 2 to consider the relaxation of the age of the petitioner for his recruitment and appointment as Special Police Youth Brigade by considering his representation, dated 07.09.2013 made to the first respondent within a time frame.

2. The case of the petitioner in brief is as follows:

The petitioner was born on 11.11.1981 and studied upto 10th standard. He is interested in doing public service, mostly related to regulating the law and order problem in and around the state of Tamilnadu. When a Brigade was formed by the Government in the year 2002, namely, "Friends of police", he became a member and he has been serving from 19.05.2002 onwards. The petitioner himself would submit that he undertook banthobasth duties and accompanying the local police even during the midnight for carrying out their duties and regulating the traffic and inspecting the vehicles passing through the check-post and collecting the information regarding the persons involved in crime and detecting prohibition cases and doing services to the public. It is only a Honorary post and there is no payment for the same. In the meanwhile, an Act came into picture in the year 2013, namely, Tamil Nadu Special Police Youth Brigade Act, 2013 and in terms of Section 6(2) of the said Act, as per Rule 3 of the Tamil Nadu Special Grade Youth Brigade Rules, 2013, it was stipulated that no person shall be eligible for an appointment as a member of the Youth Brigade, unless, he;

- (a) has passed 10th standard examination;
- (b) is made of good character and physically fit;
- (c) is a resident of Tamil Nadu and;
- (d) has completed 18 years of age, and has not completed 25 years of age, as on 1st January of the year (2013), in which the selection for appointment is made.

3. But unfortunately, the petitioner has crossed the age at the time of application. The upper age limit has been fixed to the candidates belonging to the Scheduled Caste/Scheduled Tribes as 30 years and for the Backward Class and Most Backward Class and de-notified communities, the upper age limit has been fixed as 27 years. Therefore, the petitioner made an application to the fourth respondent on 25.09.2013 and he was in expectation that he will be selected to the said post, but unfortunately, there was no communication sent to him regarding the acceptance or rejection of the said application and in anticipation, he requested the respondents 2 and 3 by sending representations, dated 07.09.2013 and 07.11.2013 to consider his application and also made an appeal to the first respondent on 07.09.2013. But the first respondent refused to relax the age limit on the ground that there is no provision for the relaxation of age limit under the said Rules and



the same was communicated to the petitioner by a memo dated 09.10.2013. Challenging the same, the present writ petition has been filed.

4. I have heard the learned counsel on both side and perused the materials available on record.

5. It is seen from the said impugned order, which says that as per the Rules, no age relaxation can be considered on any person on special grounds and hence, they have rejected the case of the petitioner on 11.10.2013.

6. This Court after hearing the parties, comes to the conclusion that even though the petitioner has rendered public service, which can be appreciated, but when the Rules are clear, it has to be followed, and that too when it comes to the case of forming a Youth Brigade, which is a disciplined uniformed service, there cannot be any relaxation and as per the said Rules, the respondents have rightly rejected the representation of the petitioner. Hence, this Court finds that there is no infirmity in the order passed by the respondents and the writ petition fails.

7. Accordingly, this writ petition is dismissed. No Costs.

sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

PJL

To

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+1cc to Mr.N.Subramanian, Advocate in SR.No.91384
+1CC SPECIAL GOVERNMENT PLEADER IN SR NO.91119

GJM/MR/SAR-2-4.1.18-4p-7c

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