



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.10966 of 2016

and

W.M.P. (md) .Nos.8480 & 8481 of 2016

S.Henri Wilson

: Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Labour and Employment (P2) Department,
Fort St.George, Chennai.
 2. The Director,
Directorate of Employment and Training (Training Wing),
Guindy, Chennai.
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned notification dated 12.01.2016, issued by the second respondent which is in violation of order passed in G.O.Ms.No.156, dated 28.09.2015, by the first respondent and quash the notification dated 12.01.2016, issued by the second respondent and consequently directing the second respondent to accept applications through online from all the eligible candidates to appear for screening test for the post of Junior Training Officer in Government Industrial Training Institutes by Direct Recruitment for the year 2014-2015.

For Petitioner : Mr.N.Mohan

For Respondents : Mr.M.Govindan
Special Government Pleader

O R D E R



12.01.2016, issued by the second respondent herein, calling for applications from eligible candidates for filling up the vacancies for the post of Junior Training Officer in Government Industrial Training Institutes by direct recruitment for the year 2014-2015.

2. The writ petitioner contends that as per G.O.Ms.No.156, dated 28.09.2015, 10th pass and NTC with three years industrial experience / 10th pass and NAC pass with two years industrial experience or Diploma in Engineering in the relevant field has been prescribed as the qualification for appointment of Junior Training Officer.

3. According to the petitioner, he is having the said qualification of SSLC pass with National Trade Certificate and the requisite industrial experience. In the impugned notification, the minimum age limit is eighteen years completed and the maximum age limit is between 35 to 40 years depending upon the communal category of the applicant. The maximum age limit prescribed in the notification would not apply to the candidates belonging to certain categories. If, they have higher qualification in addition to the minimum general qualification prescribed. The writ petitioner is aged about 44 years and therefore he is not eligible to participate in the selection process.

4. The contention of the petitioner is that fixing the maximum age is unjust and arbitrary and violation of Article 14 of the Constitution. He complains of discrimination because the impugned notification provides for relaxation in respect of the certain categories who have higher qualification in addition to the minimum general educational qualification prescribed.

5. The contentions of the petitioner are clearly without any merit. An employer is entitled to prescribe the minimum and maximum age limits. This cannot be questioned. Similarly, providing relaxation of the maximum age limit in the case of those who have higher qualification in addition to the minimum general educational qualification prescribed cannot be said to be violative of the equality principle. Those having the minimum general educational qualification and those who are having higher qualification are belonging to distinct categories. The question of discrimination would arise only if those who are belonging to the same category are dealt with differently. The writ petitioner cannot equate himself with those who are having higher qualification.

6. Therefore, the writ petitioner cannot be heard to contend that he has been discriminated himself. The power to relax in favour of those having higher qualification is provided in Rule 12 of the Madras State Subordinate Service Rules. The petitioner has not questioned the validity of the said rule. We therefore find no merit in this writ petition. This writ petition stands



dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/True Copy/

Sub Assistant Registrar

To:

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Labour and Employment (P2) Department,
Fort St.George, Chennai.
2. The Director,
Directorate of Employment and Training (Training Wing),
Guindy, Chennai.

+1cc to The Spl.Government Pleader Sr.No.68991

TSG/SKM

VB/SKN/RSK/SAR3/16/08/2017/3P/4C

**Order made in
W.P. (MD) No.10966 of 2016
dated: 27.07.2017**