



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2017

CORAM

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THE HON'BLE Mr.JUSTICE R.SURESH KUMAR

W.P. (MD) No.2739 of 2017

S.Baskar

... Petitioner

-vs-

1 The District Collector,
Collectorate, Pudukottai District.

2 The District Employment Officer
O/o. The District Employment Officer,
Pudukottai District.

3 The Tahsildar,
Manamelkudi Taluk Office,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the Respondent No.3 to consider the Petitioner for appointment to the Post of Village Assistant in Manamelkudi Taluk Pudukkottai District by granting age relaxation in the light of G.O.Ms.No.21 dated 02.02.2000 (Labour and Employment Department) by considering the representation dated 28.01.2017 within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.K.Baskarapandian
Spl. Govt. Pleader

O R D E R

Mr.A.K.Baskarapandian, Special Government Pleader, accepts notice for the respondents. By consent of both sides, the writ petition itself is taken up for final disposal.

2.The prayer in the writ petition is for a Mandamus directing the Respondent No.3 to consider the Petitioner for appointment to the Post of Village Assistant in Manamelkudi Taluk Pudukkottai District by granting age relaxation in the light of G.O.Ms.No.21 dated 02.02.2000 (Labour and Employment Department) by considering the representation dated 28.01.2017 within the time stipulated by this Court.



3.The learned Special Government Pleader would submit that if at all the age relaxation, as claimed by the petitioner has to be considered, it has to be considered only by the Government and not by the respondents, who are arrayed as parties herein in this writ petition. He would further submit that in view of the non impleading of the State Government as one of the respondent, the plea raised by the petitioner cannot be considered by the present respondents in the writ petition.

4.The petitioner claims that he is, otherwise, qualified to be considered for the appointment to the post of Village Assistant, for which, interview was conducted and certificates were verified, however, since the petitioner has already crossed the age of 30, which is the maximum age prescribed, he may not be getting the posting of Village Assistant. In this regard, the learned counsel for the petitioner would submit that as per the Government order in G.O.Ms.No.21 Labour and Employment Department dated 02.02.2000, the Government has got the power to give relaxation of maximum 5 years for those, who are over age, provided, such candidates, whose names have been registered in the Employment Exchange with the qualification of S.S.L.C. or below S.S.L.C.

5. Here, in this case, according to the learned counsel for the petitioner, since the petitioner is having the educational qualification of 7th standard pass, which is specified educational qualification for the consideration to the post of Village Assistant and since, he has already cross 30 years, as on today, he is running 33 years and 7 months, the benefit conferred on the candidates, like, the petitioner through the said G.O. No.21 dated 02.02.2000 can be extended to the petitioner also.

6. Be that as it may, without going into the merits and claim made by the petitioner as submitted above by the learned counsel for the petitioner, considering the circumstances of the case, this Court is inclined to give a direction to the Secretary to Government, Revenue Department, Government of Tamil Nadu, Chennai, to consider the representation of the petitioner dated 28.01.2017, in the light of the said Government order, ie., G.O.No.21 Labour and Employment Department, dated 02.02.2000 and pass orders thereon, within a period of four weeks from the date of receipt of a copy of the representation from the petitioner.

7. In this regard, the petitioner shall send a copy of his representation dated 28.01.2017 within one week from the date of receipt of a copy of this order to the Secretary to Government, Revenue Department, Chennai, for further action, as directed above. This direction given to the Secretary to Government cannot be executed until it is issued only after accepting the claim made by the petitioner on merits.



8. With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(RTI)

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/True copy/

Sub Assistant Registrar

To

- 1 The District Collector,
Collectorate, Pudukottai District.
- 2 The District Employment Officer
O/o. The District Employment Officer,
Pudukottai District.
- 3 The Tahsildar,
Manamelkudi Taluk Office,
Pudukottai District.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.9168/17
+1cc to special Government Pleader SR.No.9199

RR

sm:MR:10/03/2017:3P/6C

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