



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2017

CORAM:

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THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

and

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.(MD) No.321 of 2011

and

M.P.(MD) No.2 of 2011

M.Veerasekar

... Appellant

-vs-

1. The District Collector
Ramanathapuram District
Collectorate, Ramanathapuram
2. The District Employment Officer
O/o.The District Employment Office
Ramanathapuram District
Ramanathapuram
3. The Chief Engineer (General)
Highways Department
Chepauk, Chennai-600 005
4. The Superintending Engineer
(Highways),
Alagarkoil Road, Madurai-625 007

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 18.11.2010, made in W.P.(MD) No.11038 of 2008.

Prayer in WP(MD). 11038/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, to direct the Respondents to appoint the petitioner in the post of Road Inspector Grade-II in Highways Department in Ramanathapuram District as per employment seniority.

For Appellant : Mr.C.Jeganathan

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents : Mr.V.Muruganantham

Additional Government Pleader

**J U D G M E N T**

[Judgment of the Court by **T.S.SIVAGNANAM, J.**]

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Heard Mr.C.Jeganathan, learned counsel appearing for the appellant and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents and carefully perused the materials placed on record.

2. This writ appeal is directed against the order, dated 18.11.2010, made in W.P.(MD) No.11038 of 2008.

3. The appellant sought for issuance of a writ of mandamus to direct the respondents to appoint him as per employment seniority.

4. The question was whether the appellant was entitled to the benefit of relaxation of five years which was extended by the Government, vide G.O.(Ms).No.98, Personnel and Administrative Reforms(s) Department, dated 17.07.2006.

5. The learned single Judge took note of the decision in the case of M.Kuppannan and others v. The State of Tamil Nadu and others (W.P.No.3950 of 2008, dated 17.11.2008 as well as the decisions of the Honourable Supreme Court in Tirumala Tirupati Devasthanams v. K.Jotheeswara Pillai, reported in (2007) 9 SCC 461 and Ami Lal Bhar (Dr) v. State of Rajasthan, reported in (2007) 6 SCC 614 and dismissed the writ petition.

6. The learned counsel appearing for the appellant would submit that the decision in the case of Kuppannan (cited supra), which was referred by the learned Single Judge in Paragraph No.6 of the impugned order, is not applicable to the case on hand. However, we find that is also a case pertaining to Road Inspectors. Therefore, the said decision cannot be distinguished on the plea raised by the appellant.

7. That apart, the Honourable Supreme Court has held that there is no statutory provision or rule providing for exemption from eligibility criteria and in such circumstances, the Writ Court cannot issue a direction to the respondents to grant exemption from the rule providing for upper age limit for fresh appointment. That apart, the appellant sought for only a direction to the respondents to appoint him as per the employment seniority and there was no other relief sought for nor relevant rule was put to challenge. Therefore, we are of the view that there is no error in the order passed by the Writ Court and the writ appeal is liable to be dismissed.



8. In the result, the writ appeal fails and it is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-
Assistant Registrar (CS-I)

Sub Assistant Registrar

To:

1. The District Collector,
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4. The Superintending Engineer
(Highways),
Alagarkoil Road, Madurai-625 007.

+1cc to M/S.VEERA ASSOCIATES, Advocate SR.No.54173
+1cc to Special Government Pleader, SR.No. 55417

W.A.(MD) No.321 of 2011
and
M.P.(MD) No.2 of 2011

JM/MMS//08.05.2017/3P/7C