

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.6355 OF 2003

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in refusing to receive the application of the petitioner for the post of Peon on the ground of Over-aged ignoring the services rendered by the petitioner in the respondents bank since 1989 as illegal, arbitrary and violative of Articles 19 and 21 of the Constitution of India and consequently direct the respondent to receive the application of the petitioner without insisting the age-limit.”

2. Though the matter is posted under the caption “for dismissal”, none appears for the petitioner and there is no representation on his behalf.

3. From the counter-affidavit of the respondent, it is clear that for the same relief, the petitioner earlier approached this Court and filed W.P.No.6626 of 2002 and obtained interim direction on 05.04.2002 in W.P.M.P.No.8306 of 2002 to receive his application without insisting upon the age limit. Accordingly, his application was received by the respondent bank. Ultimately, the said writ petition was dismissed on 23.08.2005 as the prayer in the writ petition and W.P.M.P. are one and the same and the same was already considered. Again, the petitioner filed the present writ petition seeking a direction to consider his application for the post

of Peon as per notification issued on 04.04.2003 without insisting his age limit, but to administrative reasons, the said recruitment was not conducted in pursuance of the notifications, dated 06.04.2002 and 04.04.2003, and hence, the writ petition becomes infructuous.

4. Considering the facts and circumstances of the case and as the notification in question was not given effect to by the respondent, no orders are required to be passed in this writ petition.

5. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 07.08.2017
AMD

JUSTICE RAJA ELANGO



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