

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.38447 of 2013

ORDER:

Heard.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent in restricting the upper age limit for recruitment to the post of Sub Station Operator as 25+5 years to the scheduled caste candidates, instead of 30+5 years as in the case of recruitment to the services of respondent nos.1 to 4, as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that pursuant to a notification dated 28.11.2013, issued by respondent Nos.5 to 7, for the post of Sub Station Operator on temporary basis, the petitioner applied for the same on 04.12.2013. It is the case of the petitioner that as he belongs to SC, his age limit should have been fixed as 30+5 years, but instead thereof the respondents fixed it as 25+5 years and failed to consider the case of the petitioner. The inaction of the respondents in considering the upper age limit of the petitioner, who belongs to SC, as 25+5 years instead of 30+5 years, lead to filing of the present writ petition.

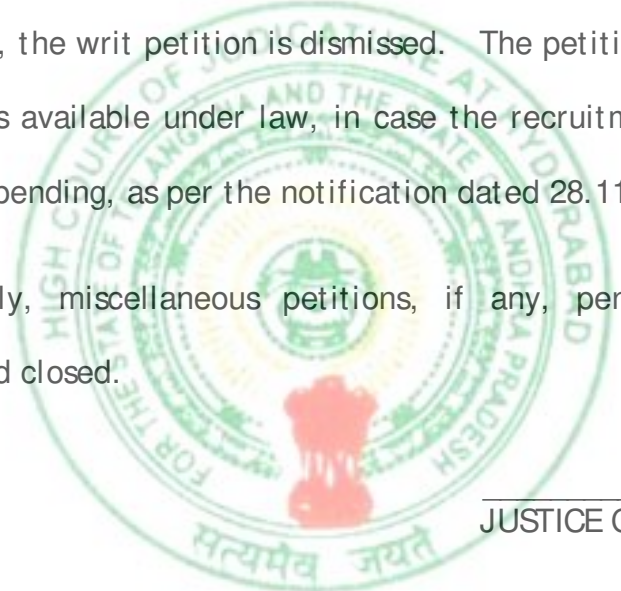
4. For the first time, the matter came to be listed on 27.12.2013 and on that day, the case was adjourned to 30.12.2013. On 05.01.2014, the matter was directed to be posted after vacation. Subsequently, on 21.01.2014, Sri Narayana, counsel representing Sri M.Solomon Raju, learned counsel for the petitioner, sought adjournment for four months and the same was adjourned by four months. Thereafter, the matter was listed on 25.04.2017 and then on 27.04.2017. From a reading of the docket proceedings, it appears that no notices were issued to the unofficial respondents till date. But, however, learned counsel for the petitioner issued notices to the unofficial respondents,

asking them to file counter. The counsel for the petitioner himself placed on record, the post covers sent to the respondents. Be that as it may, the record shows that notification was issued in the month of 2013. By now, the recruitment process must have been over and infact the last date of submission of application was 04.12.2013. That being the position, there is no point in entertaining the writ petition at this length of time. The counsel for the petitioner was not able to state as to whether any recruitment process was undertaken.

5. Having regard to the above circumstances, I see no merits to entertain this writ petition and the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. The petitioner is at liberty to avail the remedies available under law, in case the recruitment of Sub Station Operator are still pending, as per the notification dated 28.11.2013. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

28.04.2017
vhb