

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.20165 of 2018
W.M.P. No.23629 & 23630 of 2018

D. Purushothaman

...Petitioner

...vs...

1. The Secretary
Department of Law,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.
2. The Director of Legal Studies,
Purasaiyakkam High Road,
Kilpauk, Chennai.
3. The Member Secretary
Teachers Recruitment Board
Government of Tamil Nadu
4th Floor, EVK Sampath Maaligai
DPI Compound, College Road
Chennai 600 006

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of the third respondent herein in his Notification No. 2/2018 dated 18.07.2018, for the direct recruitment of Assistant Professors/Assistant Professors (Pre-Law) in Government Law Colleges 2017-2018 quashing the same in so far as the fixation of upper Age limit as 45 years as on 01.07.2018 for BC, BC(M), MBC, SC, SC(A), ST and Differently Abled candidates are concerned and to direct the third respondent herein to fix the upper age limit as per the existing rules and as per the UGC norms.

For Petitioner : Mr. G. Purushothaman,

For Respondent : Mrs.P.Kavitha (R1 and R2)
Government Advocate
Mr.C.Munusamy
Special Govt. Pleader(R3)

O R D E R

Mrs.P.Kavitha, learned Government Advocate accepts notice on behalf of the respondents 1 and 2. Mr.C.Munusamy learned Special Government Pleader accepts notice on behalf of the third respondent.

2. By consent of both sides, this Writ Petition is taken up and disposed of at the stage of admission itself.

3. This Writ Petition is filed challenging the notification of the third respondent dated 18.07.2018 for direct recruitment of Assistant Professors/Assistant Professors (Pre-Law) in Government Law Colleges 2017-2018 fixing age cap of 45 years as on 01.07.2018 for the priority category candidates such as BC, BC(M), MBC, SC, SC(A), ST and differently abled candidates inasmuch as according to the petitioner the same is illegal and arbitrary in view of the fact that last year the age cap for the aforesaid category was 57 years, and also contrary to the existing rules and U.G.C. Norms. Hence, the petitioner seeks quashment of the same and fix the age as per the existing rules and U.G.C norms.

2. According to the learned counsel for the petitioner, the fixation of the aforesaid age cap for the post of Assistant Professors/Assistant Professors (Pre-law) is contrary to the U.G.C. norms and also arbitrary one inasmuch as last year the age cap of 57 years was prescribed for the said post for the priority category but this year they have arbitrarily fixed the age cap to 45 years. The petitioner as priority candidate except the age cap is fully qualified. Since, the age cap prescribed in the advertisement as aforesaid is contrary to rule and the norms and an arbitrary one, he came to file the Writ Petition seeking the relief as stated earlier, submits the counsel for the petitioner. Hence, this Writ Petition be allowed.

3. Mrs.P.Kavitha, learned Government Advocate, who accepts notice for the respondents 1 and 2 submits that the age criteria for the aforesaid post is fixed pursuant to the statutory provision and on the recommendation of the expert committee to streamline such appointment. In this regard, attention of the Court is also drawn to the statutory provisions of Tamil Nadu Legal Educational Service Act, which clearly speaks that 40 years is the maximum age for the recruitment to the post of Assistant Professor and the age relaxation that may be given to priority category is five years. In such premises, this Writ Petition filed is completely without any substance and the same is liable to be dismissed, submits the counsel for the first and second respondents.

4. From the contentions raised, it appears to this Court that the petitioners application was not accepted as he was an over aged person, inasmuch as he is not within the age cap of 45 years. The petitioner could not bring to the notice of the court any statutory provision indicating that the age cap prescribed is contrary to any rule/law. His only submission is that since last year it was 57 years, this year the same could not have been reduced. But an overseeing committee, which is appointed to streamline the recruitment, directed to fix these age criteria according to the rule/law. It is brought to the notice of this Court that it is coming under Tamil Nadu Legal Educational Service Act, according to which the age cap has been fixed. Therefore, the same is in accordance with law. When the age cap prescribed in the present advertisement is in accordance with law only because in the last recruitment some relaxation in age criteria was granted, the same cannot make the prescription of present age cap illegal. Therefore this Court see no illegality in the age cap prescribed in the advertisement. Hence, this Writ Petition filed challenging the same is devoid of merits and liable to be dismissed. Accordingly stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary
Department of Law,
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Secretariat, Chennai 600 009.

2. The Director of Legal Studies,
Purasaivakkam High Road,
Kilpauk, Chennai.

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Teachers Recruitment Board
Government of Tamil Nadu
4th Floor, EVK Sampath Maaligai
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Chennai 600 006

+1 CC to Mr. G. Purushothaman, Advocate sr 53598.

+1 CC to The Govt. Pleader sr 54050.

WP.No.20165 of 2018

SP(27/09/2018)