

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.31878 of 2017
and WMP.No.35025 of 2017

V.Pradeep Kumar

... Petitioner

Vs.

1.The Chairman,
TANGEDCO,
No.144, Anna Salai, Chennai-02.

2.Er.Ravi, M.E., M.I.E.,
Chief Engineer / Personnel,
TANGEDCO,
No.144, Anna Salai, Chennai-02.

3.Senior Personnel Officer (Recruitment),
TANGEDCO,
No.144, Anna Salai, Chennai-02.

4.Chief Engineer / Distribution,
Erode Region, TANGEDCO,
No.948, E.V.N.Road, Erode-638 067. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner for the post of Field Assistant (Trainee) after extending opportunity of interview in physical test and viva-voce.

For Petitioner : M/s.Kavitha Balakrishna

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel

O R D E R

This Writ Petition has been given filed seeking a Writ of Mandamus directing the second respondent to consider him for the post of Filed Assistant (Trainee), after permitting the petitioner to participate in the interview, including physical test and viva-voce.

2. The petitioner has completed S.S.L.C. in October 1996 from Government Boys Higher Secondary School, Attur, Salem District and also completed I.T.I. (Electrician Trade) in July 1999 from Sarada Memorial I.T.C. Attur, Salem. That apart, the petitioner has also completed apprenticeship at Kandagiri Spinning Mills Ltd., Salem and he was issued with Apprenticeship Certificate by the National Council for Vocational Training in August 2002. The petitioner also completed Diploma in Computer Programming at Sakthi Computers, Attur in April 2000. After acquiring all these qualifications, the petitioner has registered his name with the District Employment Exchange, Salem vide Reg.No.2963 dated 30.05.2000.

3. While so, a notification bearing No.1/2016 dated 28.02.2016 has been issued by the second respondent calling for application from eligible candidates for the post of Field Assistant (Trainee), but the qualification part of the notification prescribing upper age limit of 32 years as on 01.07.2015, prevented the petitioner to apply for the said post. Note-ii to Part-4 (B) of the notification states as under:

"The qualification prescribed for the post mentioned in the notification must have passed the required qualification in the order of studies i.e, (10th + Diploma (or) 10th +2/Diploma) as the case may be from any university or institution, recognized by the University Grants Commission or any of the Universities recognised by the Government of Tamil Nadu."

4. Part-4 (a) of the notification clearly prescribes that the minimum age should be 18 years for MBC/DCs, BCOs, BCMs candidates and for the maximum age limit, the candidate should not have completed 32 years of age. However, a perusal of the notification reveals that there is no outer age limit for the persons holding Diploma. The petitioner, in my view, possessing Diploma in Computer Programming, is entitled to be considered as per Note-ii to Part-4(B) of the notification, which does not fix outer age limit.

5. Per contra, Mr.P.R.Dhilip Kumar, learned Standing Counsel appearing for the respondents would submit that as per Note-ii to Part-4(B) of the notification, a person possessing educational qualification including Diploma obtained from University or Institution recognised by the University Grants Commission or any of the Universities recognised by the Government of Tamil Nadu alone shall be considered, however, the petitioner has completed Diploma in Computer Programming at Sakthi Computers, which is only a certificate course, which cannot be treated as qualification higher than 10th standard.

6. I am of the view that the Diploma in Computer Programme Certificate obtained by the petitioner from Sakthi Computers, Attur, can be verified by the respondents as to whether it is a recognized one or not and if it is recognized, the petitioner stands qualified on the age qualification, in view thereof, the respondents shall receive the application of the petitioner and consider his candidature for the post of Field Assistant (Trainee). It is made clear that the petitioner's candidature will be considered based on the verification of the certificate in Diploma in Computer Programming.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jvm

To

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No.948, E.V.N.Road, Erode-638 067.

+1cc to M/s.Kavitha Blakrishnan Advocate, S.R.No.19475

+1cc to Mr.P.R.Dhilip Kumar Advocate, S.R.No.19544

W.P.No.31878 of 2017

SK(CO)
RRK(15/03/2018)