

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27747 of 2015
and
M.P.No.1 of 2015
and
W.M.P.No.2655 of 2018

P.Sukumar

..Petitioner

vs

1.The Director,
Directorate of Employment and Training,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai - 600 032.

2.The Principal,
Government Industrial Training Institute,
Salem - 7.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to conduct interview for the petitioner to the post of Machinist Grinder Trade on 07.09.2015 or any other date and complete the interview process in accordance with law without insisting for the upper age limit.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.M.Elumalai, GA

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O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to conduct interview for the petitioner to the post of Machinist Grinder Trade on 07.09.2015 or any other date and complete the interview process in accordance with law without insisting for the upper age limit.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner had completed

his S.S.L.C. in the year 1996 and thereafter, studied ITI Machinist Grinder Trade in the year 1998. Subsequently, the writ petitioner had undergone an Apprenticeship with the Salem Steel Plant and therefore, he is fully qualified for appointment to the post of Machinist Grinder Trade in the Government Industrial Institute. The writ petitioner registered his name with the employment exchange. As per the publication dated 05.08.2015, the writ petitioner states that the Post of Junior training Officers were vacant and applications were called for from the suitable persons. The writ petitioner submitted an application and accordingly, he received an interview card. However, the writ petitioner was not allowed to participate in the interview process on account of the fact that he was over aged.

3.The learned counsel for the writ petitioner states that the writ petitioner is entitled for relaxation of the upper age limit and the benefit of relaxation has not been granted. Thus, the writ petitioner is constrained to move the present writ petition.

4.The learned Government Advocate appearing on behalf of the respondents opposed the contention by stating that the writ petitioner was not qualified as per the Notification as he crossed the upper age limit and therefore, he was not permitted to participate in the selection process. Thus, there was no infirmity on the part of the respondents in respect of allowing the writ petitioner to participate in the interview.

5.The conditions notified in the Recruitment Notification is to be followed strictly and scrupulously by the competent authorities. Once, the age limit is fixed by the authorities in the Recruitment Notification, the same is to be followed in respect of all the eligible candidates, who had participated in the process of selection. Relaxation of upper age limit or relaxation of any other qualification stipulated in the recruitment rules cannot be waived in a routine manner. Once, the rule is notified, the same is to be followed without any discrimination. The Court also cannot grant any such relaxation of upper age limit, enabling the writ petitioner to participate in the process of selection. At the time of Notification, the writ petitioner was over aged and therefore, he was not permitted to participate in the interview. Thus, there is no irregularity or illegality in respect of the actions taken by the respondents for not permitting the writ petitioner to participate in the selection process.

6.Appointment can never be claimed as a matter of right. All appointments are to be made only in accordance with the recruitment rules in force. Equal opportunity in public employment is a constitutional mandate. The rules relating to the recruitment cannot be diluted or violated by the competent

authorities, while undertaking the process of selection. Prescription of upper age limit, educational qualification and other requisite qualification including experience etc., are the prerogative powers of the competent authority/Appointing Authority. The Courts cannot interfere in respect of the conditions of recruitment stipulated by the competent authority in the Notification.

7.This being the legal principles to be followed, the writ petitioner has not made out any valid ground for the purpose of entertaining the relief as such sought for in this writ petition.

8.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director,
Directorate of Employment and Training,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai - 600 032.
- 2.The Principal,
Government Industrial Training Institute,
Salem - 7.

+lcc to Mr.P.Kannan Kumar, Advocate sr.no.47849
+lcc to Government Pleader sr.no.48026

W.P.No.27747 of 2015

kji(co)
nr 01/08/2018