

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-07-2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5739 of 2013

And

M.P.Nos.1 to 3 of 2013

N.Babu .. Petitioner

-vs-

- 1.The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Corporation,
Fort St. George,
Secretariat, Chennai-9.
 - 2.The District Employment Officer,
(Technical Personal),
Chennai.
 - 3.The General Manager,
Metropolitan Transport Corporation,
Pallavan House,
Chennai.
- .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent Employment Exchange to sponsor the petitioner's name for the post of Motor Mechanic in the third respondent of Tamil Nadu Metropolitan Transport Corporation, consequently direct the first respondent to relax the upper age limit of five years to the petitioner and thereby direct the second respondent to send the interview card to the petitioner and appoint him as Motor Mechanic in the third respondent Transport Corporation.

For Petitioner - Ms.P.A.Chithramani
For Respondents-1&2 - Ms.A.Sri Jayanthi,
Special Government Pleader.
For Respondent-3 - Mr.P.Kannan Kumar

ORDER

The relief sought for in this writ petition is for a direction to direct the second respondent-Employment Exchange to

sponsor the petitioner's name for the post of Motor Mechanic in the third respondent-Transport Corporation and consequently direct the first respondent to relax the upper age limit of five years to the petitioner and to appoint him as Motor Mechanic.

2. The writ petitioner, even at the time of filing of the present writ petition, was aged about 38 years and now he would be around 43 years.

3. The grievance of the writ petitioner is that he has completed his SSLC in the month of October 1990 and further, passed Mechanic (Motor Vehicle) in an Industrial Training Institute. The writ petitioner further possessed the National Apprenticeship Certificate from the Metropolitan Transport Corporation and accordingly, the writ petitioner is fully eligible for appointment to the post of Mechanic (Motor Vehicle) in the third respondent-Transport Corporation.

4. The writ petitioner is over aged and therefore, he is unable to be appointed to the post of Mechanic (Motor Vehicle). Under these circumstances, the writ petitioner is constrained to move the present writ petition, seeking relaxation of the upper age limit for appointment to the post of Mechanic (Motor Vehicle) in the third respondent-Transport Corporation.

5. This Court is of an opinion that the selection and appointment to the posts are to be done in accordance with the recruitment rules. The prescription of conditions in relation to the educational qualification and age limit are the administrative prerogative of the employer. The Court cannot grant relaxation of upper age limit in a routine manner. All the eligible persons alone are competent to participate in the process of selection and in respect of grant of relaxation, even the respondents cannot do so contrary to the recruitment rules. The rule is to be followed for the purpose of selection and appointment. Relaxation is an exception and the power of relaxation shall be exercised only if there is a gross injustice occurred to a person or to a group of people.

6. In the present case, the writ petitioner claims that he registered his name in the second respondent-Employment Exchange and therefore, the age relaxation is to be given, enabling the second respondent-Employment Exchange to sponsor his name to the post of Mechanic (Motor Vehicle). Registering the name in the Employment Exchange is a facility provided by the State. In order to provide equal opportunity to the unemployed youth of this Great Nation, the said facility of Employment Exchange is provided. Thus, a mere registration of name in the Employment Exchange will not confer any legal right for a candidate to claim appointment or relaxation of age limit.

Such facilities are provided only for creating an opportunity and not to ensure or promise any appointment to the persons, who registered their names in the Employment Exchange. This being the principles to be followed, this Court is of an opinion that the relief, as such, sought for by the writ petitioner in this writ petition, cannot be granted.

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

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Secretary to Government,
State Government of Tamil Nadu,
Transport Corporation,
Fort St. George,
Secretariat,
Chennai-9.

2.The District Employment Officer,
(Technical Personal),
Chennai.

+lcc to Mr.P.Kannan Kumar, Advocate SR.No.51285
+lcc to Government Pleader SR.No.51433

GJII(CO)
GN(14/08/2018)

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