

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.16690 of 2018
& WMP No.19895 of 2018

N.Iyyappan

... Petitioner

vs

- 1 The State of Tamilnadu,
Rep by its Secretary to Government,
Revenue Department, Fort St George, Chennai-9.
- 2 The District Collector,
Kancheepuram District, Kancheepuram ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No. 28510/2014/A4 dated 16.11.2016 passed by the 2nd respondent, to quash the same as unsustainable in law and consequently to direct the respondents to appoint the petitioner by relaxing the upper age limit and to provide appointment on compassionate grounds within time frame.

For Petitioner : Ms. K.Jenitha

For Respondents : Mr. A.N.Thambidurai, Spl.G.P.,

O R D E R

The claim of the petitioner for compassionate appointment has been rejected on the ground that when the prescribed age was 35, the petitioner has crossed the age by completing 36 years, 6 months and 24 days. Praying that this order should be reconsidered in the light of the earlier order passed by this Court in W.P.No.8831 of 2013, dated 21.10.2016, this writ petition has been filed.

2. Heard both sides.

3. Perused the order passed by this Court in W.P.No.8831 of 2013. In the said order, this Court has referred to a Government Order issued by the Labour and Employment Department, wherein there has been a clarification that when a candidate belongs to SC and ST community, the age can be relaxed, if it exceeds the prescribed age limit. This Court, in the said decision, has further observed that when there is a specific provision for relaxation, the respondents have to consider the age relaxation and to pass further orders.

4. In view of the above, the respondents are directed to consider the claim of the petitioner for compassionate appointment, in the light of the orders passed by this Court, referred to supra, and to reconsider the decision taken. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srk

To

- 1 The Secretary to Government, State of Tamilnadu
Revenue Department, Fort St George, Chennai-9.
- 2 The District Collector,
Kancheepuram District, Kancheepuram.

+1 cc to Mr.K.Jenitha, Advocate Sr.No.84269

+1 cc to The Government Pleader, Sr.No.84470

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VGII(CO)
CSL/11.01.2019