

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

The Honourable Mr. Justice S.M.SUBRAMANIAM

W.P.No.37987 of 2015
and

W.M.P.Nos.1 of 2015 and 6552 of 2016

1.A.Anbu
2.K.Radha
3.R.Parthasarathy
4.T.Poosamy
5.G.Saravana Kumar
6.M.Balakrishnan
7.T.Chandrasekar
8.R.Inbavalli
9.K.R.Chandrasekaran ... Petitioners

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Highways and Small Ports(HM2)
Department, Secretariat,
Chennai- 600 009.
2.The Director General
Highways Department,
Chepauk, Chennai-600 005.
3.The Joint Director,
O/o.the Director General,
Highways Department,
Chepauk, Chennai-600 005. ... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to include the petitioners in the selection process conducted for recruitment to the post of Junior Draughting Officer without reference to be upper age limit fixed in column No.2 of the Notification issued by the 3rd respondent vide No.12390/Nir5(1)/2014 dated 26.10.2015.

For Petitioners : Mr.T.P.Prabakaran

For Respondents : Mr.M.Elumalai
(Government Advocate)

O R D E R

The relief sought for in this writ petition is to direct the respondents to include the petitioners in the selection process conducted for recruitment to the post of Junior Draughting Officer without reference issued by the 3rd respondent vide No.12390/Nir5(1)/2014 dated 26.10.2015.

2.The writ petitioners submitted applications for direct recruitment for the post of Junior Draughting Officer, in pursuant to the recruitment notification issued by the second respondent on 26.10.2015. The grievance of the writ petitioner is that the applications were not even admitted on account of the fact that they are over aged. Under these circumstances, the petitioners claim that they should be granted age relaxation enabling them to participate in the process of selection. At the out set, the learned counsel appearing for the petitioners submitted that the petitioners are entitled for grant of age relaxation so as to participate in the process of selection for recruitment to the post of Junior Drafting Officer.

3.The learned Government Advocate appearing on behalf of the respondents opposed the contention by stating that the Government had issued G.O.Ms.No.212, Personal and Administration Reforms(P) Department dated 29.11.12, imposed a ban on recruitment in respect of all the posts in the State of Tamil Nadu except certain essential posts, such as teachers, doctors and police constables, etc. Later, by G.O.Ms.No.14, Personal and Administration Reforms(P) Department dated 7.02.2006, the said ban imposed came to be lifted. In order to provide a concession in respect of the unemployed groups affected on account of the ban order for five years, the Government granted relaxation of upper age limit for five years in the G.O.Ms.No.98, Personal and Administration Reforms(P) Department dated 17.07.2006. However, the concession of five years granted was expired in the year 2011, the grant of relaxation of five years was granted in the year 2006-11 and the present notification for recruitment to the post of Junior Drafting Officer was issued on 26.10.2015. Therefore, there is no question of extending the benefit of age relaxation already granted by the Government for five years from 2006-11 as mentioned in G.O.Ms.No.98.

4. The conditions stipulated in the recruitment notification in respect of the educational qualifications, age and other qualifications are the propagative of the authority and the Courts cannot interfere with the conditions stipulated for recruitment. The intervention can be done only on exceptional circumstances if such conditions are ultra virus to any statute or unconstitutional. In all other circumstances the conditions regarding the educational qualification, eligibility and other criteria as fixed by the Competent Authority ought to be followed scrupulously at the time of undertaking the process of selection and there cannot be any delusion and dilution in respect of the implementation of recruitment rules in force. Relaxation can never be granted in a routine or mechanical manner. The power of relaxation is granted to the Government in order to mitigate the hardship or injustice caused to an individual or group of people. Therefore, grant of relaxation is not an automatic one, but only on exceptional circumstances and for deserving cases, the Government can exercise the power of relaxation only in the interest of justice and not otherwise. Relaxation can never be claimed as a matter of legal right. The rules ought to be followed strictly and relaxation is an exception. Thus, the very relief sought for in this writ petition cannot be granted in view of the fact that the benefit of G.O.Ms.No.98 cannot be granted, since the period of five years lapsed in the year 2011, and the notification was issued in the year 2015. In this view of the matter the writ petitioners have not established any acceptable legal ground so as to grant the relief as such sought for, in this writ petition.

5. 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(CS IX)

//True Copy//

Sub Assistant Registrar

stm/nmm

To

1.The Principal Secretary to Government of Tamil Nadu,
Highways and Small Ports(HM2)
Department, Secretariat,
Chennai- 600 009.

2.The Director General
Highways Department,
Chepauk, Chennai-600 005.

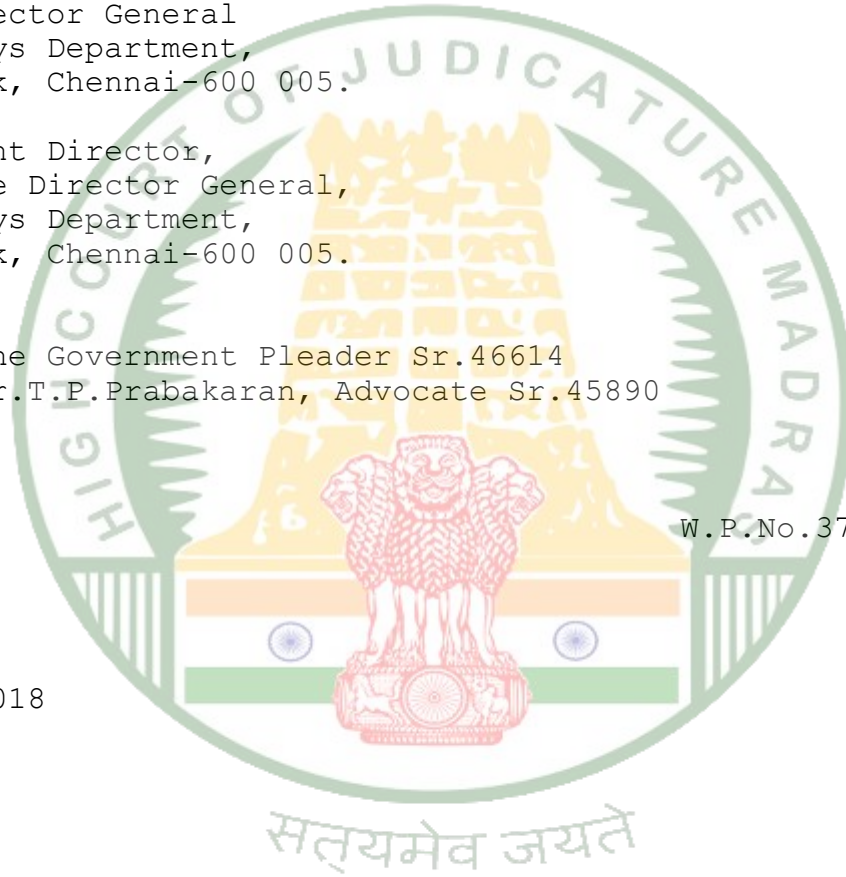
3.The Joint Director,
O/o.the Director General,
Highways Department,
Chepauk, Chennai-600 005.

+1cc to the Government Pleader Sr.46614

+1cc to Mr.T.P.Prabakaran, Advocate Sr.45890

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srg 9/8/2018



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