

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17-07-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.677 of 2015

And

M.P.No.1 of 2015

R.Santhamurthy .. Petitioner

Versus

The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai-600 002. ... Respondent

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to provide age relaxation and appoint the petitioner as a Junior Engineer (Training) in State Express Transport Corporation (Tamil Nadu) Ltd., Chennai.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.P.Kannankumar,
Government Advocate.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to provide age relaxation and appoint the writ petitioner as a Junior Engineer (Training) in Metropolitan Transport Corporation (Tamil Nadu) Limited, Chennai.

2. The writ petitioner completed his Diploma in Mechanical Engineering in the year 1994 in First Class and registered his qualifications with the District Employment Exchange on 8.6.1995.

3. The learned counsel, appearing on behalf of the writ petitioner, made a submission that the employment registration has been periodically renewed by the writ petitioner and he is waiting for his opportunity to get a public employment from the year 1996 onwards.

4. The grievance of the writ petitioner is that the respondent has not filled up the vacancies in the post of Junior Engineer (Training) for the past about 20 years and therefore, the writ petitioner is now over aged and age relaxation is to be granted by this Court in the present writ petition.

5. The learned counsel for the writ petitioner further contended that the writ petitioner is periodically renewing his employment registration and therefore, age relaxation is to be granted in favour of the writ petitioner, enabling him 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 authorities competent are bound to provide equal opportunity to all the eligible candidates to participate in the selection process. The age relaxation was granted by the Government in the year 2006. For the five years till 2011 in G.O.Ms.No.98, dated 17.7.2006, age relaxation was granted on account of the fact that the Government imposed ban for public employments in between the years 2001 to 2006. Thus, the age relaxation granted till 2011, cannot be extended by this Court at this length of time.

7. The conditions stipulated for recruitment is to be followed scrupulously by the competent authorities. The Courts cannot grant age relaxation in a routine manner. Only on exceptional circumstances, where there is gross injustice, then proper judicial review can be exercised for regularising the recruitment process. However, such exercise cannot be done in a routine manner, where the writ petitioner is unable to secure employment through Employment Exchange.

8. The registration of the names of unemployed candidates in the Employment Exchange is a facility provided by the State. A mere registration of names in the Employment Exchange will not confer any legal right for claiming public employments. It is only a facility and will not construe any right for the candidates to claim appointment or age relaxation for the purpose of securing public employment. Thus, it is left open to the writ petitioner to participate in the open competitive process, if any recruitment notification is issued by the respondent and, as far as the present relief sought for in this writ petition is concerned, the same cannot be considered.

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

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

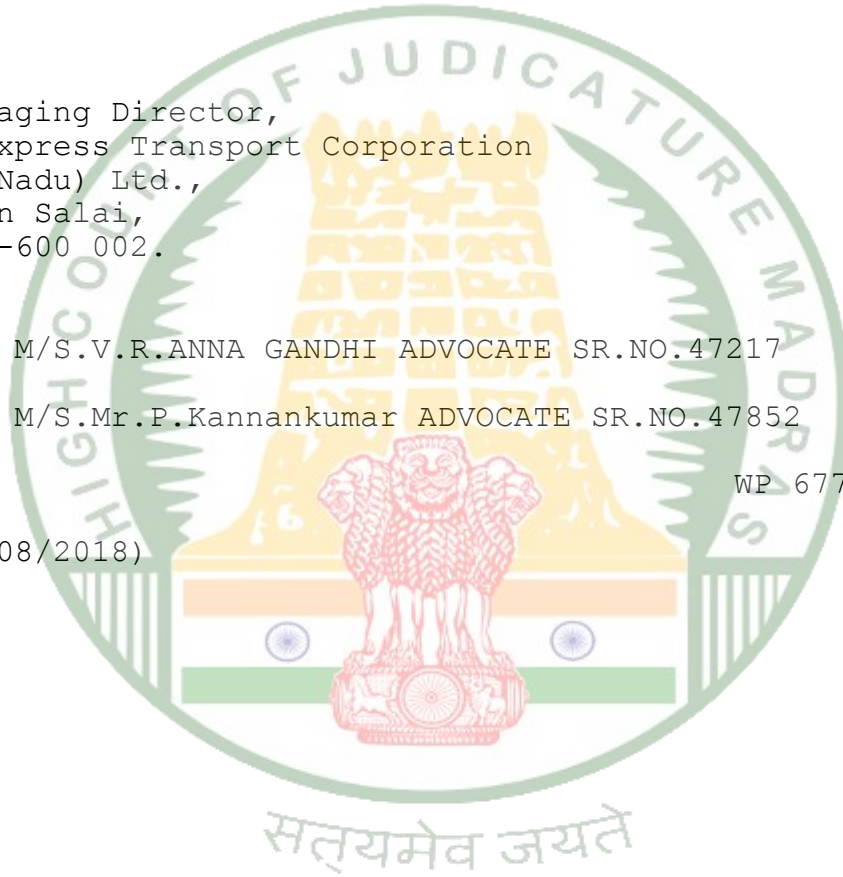
The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai-600 002.

+1CC TO M/S.V.R.ANNA GANDHI ADVOCATE SR.NO.47217

+1CC TO M/S.Mr.P.Kannankumar ADVOCATE SR.NO.47852

WP 677 of 2015

MP (CO)
ASK (07/08/2018)



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