



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 19255 and 20947 of 2014

and

M.P (MD) .Nos. 1 to 4 of 2014

IN

W.P. (MD) .No. 19255 of 2014

and

M.P (MD) .Nos. 1 to 4 of 2014

IN

W.P. (MD) .No. 20947 of 2014

Gnana Senthilkumar .. Petitioner in
W.P. (MD) .No. 19255 of 2014

R. Bose .. Petitioner in
W.P. (MD) .No. 20947 of 2014

Vs.

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

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
27, Railway Station New Road,
Kumbakonam - 612 001,
Thanjavur District.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi, Sivagangai District.

...Respondents in both Writ Petitions

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned Notification in Notification No. 02/KUM/2014 issued by the 2nd respondent for filling up the posts of Conductor (Seama Nadathunur) published in Tamil Daily "Dhina Thanthi" dated 02.11.2014 and quash the same in so far as the upper age limit fixed for the Most Backward Class candidates for the post of conductor (Seama Nadathunur) is concerned and consequently direct the respondents to consider the candidature of the petitioner in the recruitment for the post of Conductor (Seama Nadathunur) by providing 2 years age relaxation.



For petitioner

: Mr.G.Prabhu Rajadurai
for M/s.M.S.Jeyakarthik

For R-1

: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For R-2 &3

: Mr.D.Sivaraman
Standing Counsel
(In both Writ Petitions)

COMMON ORDER

Heard Mr.G.Prabhu Rajadurai, for M/s.M.S.Jeyakarthik, learned Counsel appearing for the petitioners in both writ petitions, Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the first respondent in both writ petitions and Mr.D.Sivaraman, learned Standing Counsel appearing for the Respondent No.2 and 3 in both writ petitions.

2.The writ petitioners challenge the notification dated 02.11.2014 issued by the second respondent calling for applications for filling up of the post of conductor which was published in the Tamil "Dhina Thanthi" daily, on 02.11.2014.

3.Both the writ petitions have a similar prayer. The writ petitioners question the fixation of upper age limit for Most Backward Classes candidates for the post of conductor. The writ petitioners seek a direction for age relaxation by two years.

4.Primary contention urged by both the writ petitioners is that the recruitment process took place in the year 2012 and that the writ petitioners have taken part, therein. This Court had chosen to quash the entire selection process. Thereafter the present notification was issued by the second respondent in November 2014. By then the writ petitioners had become age barred.

5.The writ petitioners would contend that they had lost their age qualification only due to the act of the respondents. Be that as it may, the fact remains that on the date of issuance of the impugned recruitment notification dated 02.11.2014, the writ petitioners did not possess the requisite age eligibility. As per the relevant Services Rules, the upper age limit fixed for Most Backward Class Candidates for the post of Conductor is 35 years. The Service Rules are not under challenge. The impugned recruitment notification has been issued only in terms of the relevant Services Rules. In the absence of a formal challenge to the Services Rules with regard to fixation of upper age limit to Most Backward Class candidates for the post of Conductor, the present writ petitions are clearly not maintainable.



6. The writ petitioners would contend that for the post of drivers the upper age limit is 45 years. The drivers and conductors belong to different classes. Therefore there cannot be a comparison between the two. In this view of the matter, the plea of discrimination raised by the writ petitioners is not sustainable. It is well settled that it is open to the employer to fix appropriate eligibility criteria. It is not for this Court to interfere with such fixation of eligibility criteria. There is absolutely no merit in these Writ Petitions.

7. These Writ petitions are dismissed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
Transport Department,
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Chennai-9.

2. The Managing Director,
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Thanjavur District.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi, Sivagangai District.

+1cc to The Spl. Government Pleader Sr.No.42642,42646

+1cc to Mr. D.Sivaraman, Advocate SR.No.42480

+2cc to Mr. M.S.Jeyakarthik, Advocate Sr.No.42755,42756

KMI

VB/SKN/RSK/SAR4/06.03.2018/3P/8C