



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 19409 of 2014
and
W.M.P. (MD). No. 18551 of 2017

M.Pitchaimuthu

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildhar,
Dindigul East Taluk,
Dindigul,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus, to call for the records of the first respondent i.e. the District Collector Dindigul District relating to his பெண் . 14496/2014/213 dated 21.10.2014 and quash the same and consequently direct the first respondent to appoint the petitioner in any one of the vacant post according to the eligibility of the petitioner within a specified time frame that may be fixed by this Court.

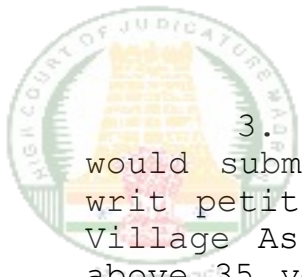
For petitioner
For respondents

: Mr.S.Visvalingam
: Mrs.S.Srimathy
Special Government Pleader

O R D E R

Heard Mr.S.Visvalingam, learned Counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

2. The writ petitioner's father was working as a Village Assistant in Siluvthur Village, Dindigul East Taluk, Dindigul. He died while in service on 19.10.2013. The writ petitioner applied for appointment on compassionate ground. The application was lodged within time. But the request of the writ petitioner was rejected by the first respondent by passing the impugned order dated 21.10.2014 and the same is assailed in this writ petition.



3. The learned Counsel appearing for the writ petitioner would submit that the first respondent erred in holding that the writ petitioner was age barred for consideration, for the post of Village Assistant. Though the writ petitioner's age is a little above 35 years, he has to be given a relaxation of five years. He would place reliance on G.O.(Ms).No.98, Personal and Administrative Reforms Department, dated 17.07.2006.

4. Even though a learned Judge of this Court placing reliance on the said G.O.(Ms).No.98, dated 17.07.2006, allowed a batch of writ petitions, it is informed by the learned Special Government Pleader that the same has been stayed .

5. Be that as it may, this Court is of the view that the case on hand has to be determined with reference to Rule 54-B of Tamil Nadu State and Subordinate Services Rules, which reads as under:-

54-B. Age concession for persons affected due to the ban on direct recruitment:- Notwithstanding anything contained in the Special Rules for the various State and Subordinate Services or in any adhoc rules applicable to any temporary post, in the case of a person who has been affected due to the ban on direct recruitment that was imposed on the 29th November 2001, the upper age limit shall be raised to a maximum period of five years reckoned on and from the 17th July 2006, ending with the 16th July, 2011, in computing his age for appointment to any post under the State Government, except the categories of posts of Teachers, Doctors and Police Constabulary and shall be applicable in respect of notifications issued or selections made by competent recruiting authorities or appointments made by competent appointing authorities during the aforesaid period".

6. The writ petitioner's father died in the year 2013. Therefore the question of granting relaxation for further period of five years would not arise and the order impugned in this writ petition was correctly passed. There is no merit in this writ petition.

7. This Writ Petition stands dismissed. No costs. Consequently, W.M.P. (MD). No. 18551 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Dindigul District,
Dindigul.



2.The Tahsildhar,
Dindigul East Taluk,
Dindigul,
Dindigul District.

+1cc to Mr.S.VISVALINGAM,Advocate,SR. 44061

+1cc to M/S.Special Government Pleader,SR. 44596

W.P. (MD) .No.19409 of 2014
24.01.2018

KMI

KK/SKN RSK/SAR 4/09.03.2018/ 3P- 5C/