



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.16229 of 2013
and
M.P(MD).Nos.1 to 3 of 2013

G.Ramesh

... Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Transport Bhavan, Chennai.

2.The General Manager,
Nagercoil Region,
Tamil Nadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanniyakumari District.

3.The District Employment Officer,
Nagercoil, Kanniyakumari District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the order passed by the 2nd respondent in No.6363/௭3/த.அ.மோக(தே)/நாகர்/2012 dated 16.03.2013 and consequently direct the respondent to provide employment to the petitioner for post of Diesel Mechanic in the office of the 2nd respondent as per the seniority list sent by the 3rd respondent.

For Petitioner : Mr.C.M.Arumugam

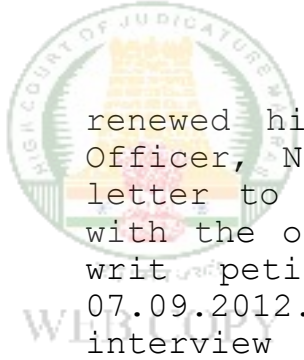
For Respondents : Mr.M.Muthu

Additional Government Pleader

O R D E R

The order of rejection dated 16.03.2013 issued by the second respondent in respect of selection to the post of Diesel Mechanic in the office of the second respondent is under challenge in this writ petition.

2.The writ petitioner joined as an Apprenticeship Trainee in the Trade of Mechanic (Diesel) on 26.10.1998 and completed his apprenticeship training on 25.10.1999. After completion of the apprenticeship training, the writ petitioner had been periodically



renewed his seniority in the office of the District Employment Officer, Nagercoil. While so, the writ petitioner received call letter to appear before the second respondent on 07.09.2012 along with the original certificates and demand draft for Rs.100/-. The writ petitioner appeared before the interview committee on 07.09.2012. The same was postponed on that date and once again, the interview was conducted on 29.10.2012 and the petitioner participated in the interview and his certificates were also verified. However, the writ petitioner was not selected on account of the fact that he crossed the upper age limit of 35 years. The petitioner was informed that he had crossed 35 years of age and therefore, he is not eligible for selection. The claim of the writ petitioner is that the appointment ought to have been provided based on the list of seniority.

3.The learned Additional Government Pleader appearing on behalf of the respondents states that the selection was conducted in accordance with the recruitment rules and upper age limit of 35 years is criteria for the purpose of selection. Since the petitioner had crossed the age limit of 35 years, he was not selected. Thus, this writ petition deserves to be rejected.

4.This Court is of an opinion that all appointments have to be made strictly in accordance with the recruitment rules in force. Admittedly, as on the date of selection, the writ petitioner had crossed the upper age limit of 35 years, which is prescribed in the recruitment rules. There cannot be any compromise or dilution in respect of the rules relating to the recruitment. Relaxation of rule cannot be granted age, educational qualification and other criteria. Selection has to be conducted strictly in accordance with the recruitment rules in force. This being the principles to be followed. There is no error in respect of the non-selection of the writ petitioner in view of the fact that he had crossed the upper age limit as on the date of selection and accordingly, there is no infirmity in respect of the decision taken by the respondents.

Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Transport Bhavan, Chennai.



2.The General Manager,
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Tamil Nadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanniyakumari District.

3.The District Employment Officer,
Nagercoil, Kanniyakumari District.

+1CC TO M/S.C.M.ARUMUGAM, ADVOCATE, SR NO.49991
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.50262

W.P. (MD) No.16229 of 2013
20.02.2018

skn

MS/SV-MMS/SAR-4/04.04.2018/3P.6C