IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2019

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13517 of 2008

P.Murugesan ..Petitioner

-vs-

1. The Secretary to Government
   State Transport Department
   Fort St.George
   Chennai 600 009

2. The District Employment Officer
   Krishnagiri District
   Krishnagiri
   (earlier Dharmapuri District)

3. The Managing Director
   State Transport Corporation (Salem)
   Dharmapuri District ..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to appoint the petitioner as Driver with retrospective effect.

For Petitioner :: No appearance

For Respondents :: Mr.K.Ravikumar
Additional Government Pleader
for R1 & 2
Ms.Rajini Ramadass
Standing Counsel for R3

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ORDER

The petitioner, Mr.P.Murugesan, after studying upto Tenth Standard, had obtained a driving licence and thereafter registered his name for the post of Driver in the Krishnagiri Employment Exchange. According to the petitioner, even after renewal of his registration without any default, his name was not sponsored by the second respondent for interview till 2005. After sometime, the petitioner submitted a requisition to

https://hcservices.ecourts.gov.in/hcservices/

consider his name. Again the third respondent, having conducted interview from 1990 till 2007, had not considered the petitioner for the post of Driver, as some of the persons, who were juniors to the petitioner in seniority, were appointed as Drivers. That shows that the petitioner was denied government service for the reason best known to the respondents. Since the petitioner is having a valid driving licence and also completed Tenth Standard, he is an eligible candidate for the post of Driver. Therefore, a direction be issued to the third respondent to appoint him as Driver with retrospective effect.

2. The learned standing counsel for the third respondent submitted that when the petitioner was aged about 42 years in 2008, he had filed the writ petition seeking a mandamus directing the third respondent to consider his name for the post of Driver in the third respondent Corporation. In view of the fact that the petitioner is over-aged, he is disqualified to hold the post, as the prescribed age limit for the post of Driver is only 40 years for OC candidates and 45 years in the case of BC/SC/ST candidates, as per the Service Rules of the Corporation.

3. Since the petitioner is over-aged, as he is now aged 53 years, he is disqualified, since the prescribed age limit for the post of Driver is only 40 years for OC candidates and 45 years in the case of BC/SC/ST candidates, as per the Service Rules of the Corporation. Therefore, the prayer cannot be granted and accordingly, the writ petition stands dismissed. Consequently, M.P.No.1 of 2008 is also dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss

To

1.The Secretary to Government
Transport Department
Fort St.George
Chennai 600 009

2.The District Employment Officer
Krishnagiri District
Krishnagiri

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3.The Managing Director
  State Transport Corporation (Salem)
  Dharmapuri District

+1cc to M/s.S.Rajeni Ramadass, Advocate, S.R.No.9941
+1cc to the Government Pleader, S.R.No.10825

W.P.No.13517 of 2008

RR(CO)

rrs 11/03/2019

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