

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.17470 of 2008

K.Rajan

.. Petitioner

Vs.

1. The District Collector,
Krishnagiri,
Krishnagiri District.
2. The Tahsildar,
Taluk Office, Krishnagiri,
Krishnagiri District.
3. The District Employment Officer,
Employment Office,
Krishnagiri District.

.. Respondents

(3rd respondent impleaded as per Order dated 12.08.2008 made in M.P.No.1 of 2008)

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing A3/6717/07, dated 01.11.2007 of the District Employment Officer, Krishnagiri and quash the same and consequently direct the Respondents to send the petitioner interview card through employment exchange for any public appointment.

(Prayer amended as per Order dated 12.08.2008 made in M.P.No.2 of 2008)

For Petitioner : No appearance

For RR1 & 2 : Ms.R.Janaki
(Additional Government Pleader)

For R3 : dismissed vide Court order dated
25.11.2009

O R D E R

The present Writ Petition is filed for issuance of writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing A3/6717/07, dated 01.11.2007 of the District Employment Officer, Krishnagiri and quash the same and consequently direct the Respondents to send the petitioner interview card through employment exchange for any public appointment.

2.The petitioner in his affidavit has stated that he has passed 9th standard and registered with District Employment Exchange, Krishnagiri on 21.08.1985. Subsequently, he obtained heavy vehicle driving license on 24.06.1992 and registered the same with District Employment Exchange, Krishnagiri. He renewed the registration periodically. The second respondent by the proceedings dated 06.09.2007, sent interview card to the petitioner for appointment to the post of Village Assistant. The petitioner attended the interview on 12.09.2007 with all relevant documents mentioned in the interview card. The petitioner did not receive any communication about the result of interview. Hence, he has sent a representation dated 26.10.2007 to the third respondent, informing that as per the G.O.Ms.No.521 (Revenue) Sec.VII(2)/dated 17.06.1998, G.O.Ms.No.21 Labour and Employment Department dated 02.02.2000 and G.O.Ms.No.152 Personnel and Administrative Perform (S) Department dated 18.09.2006, the petitioner was within the age limit for public employment, requesting the third respondent to send the interview card to him for future vacancies for the post of Office Assistant. The third respondent by the impugned proceedings bearing A3/6717/07 dated 01.11.2007 informed the petitioner that he has crossed the age of 42 years more than the upper age limit fixed as per the Government Orders referred to above. Hence, the petitioner sent a representation dated 31.11.2007 to the first respondent and filed Writ Petition against the respondents 1 and 2 for a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 31.11.2007 with regard to appointment by sending interview card in the light of the G.O.Ms.No.521 (Revenue) Sec.VII(2)/dated 17.06.1998 and G.O.Ms.No.21 Labour and Employment Department dated 02.02.2000, referred to above.

3.Pending Writ Petition, the petitioner filed M.P.No.1 of 2008 to implead the third respondent and M.P.No.2 of 2008 to amend the prayer, referred to above.

4.When the matter was taken up for hearing on 20.06.2019, there was no representation for the petitioner. At the request of the learned Additional Government Pleader, the matter was

posted today. Today also, there is no representation for the petitioner.

5. Heard Ms.R.Janaki, learned Additional Government Pleader appearing for respondents 1 and 2 and perused the entire materials on record.

6. According to the petitioner, he is entitled for benefit of extended period of five years to upper age limit as per Government Orders referred to above. The third respondent erroneously held that the petitioner has crossed 42 years of age and stated that petitioner is not eligible for appointment to the post of Office Assistant. The said averments are without merits. The upper age limit for Backward Classes for the post of Office Assistant was 37 years. The same was extended by 5 years as per G.O.Ms.No.21 Labour and Employment Department dated 02.02.2000. The petitioner's date of birth was 05.04.1965. He has crossed the age of 42 years on 04.04.2007. In view of the same, the third respondent has mentioned the date of birth in the impugned order and calculated the age of the petitioner and passed the impugned order. There is no error in the impugned order passed by the third respondent.

7. In the result, this Writ Petition stands dismissed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Krishnagiri, Krishnagiri District.
2. The Tahsildar,
Taluk Office, Krishnagiri,
Krishnagiri District.
3. The District Employment Officer,
Employment Office, Krishnagiri District.

+1cc to the Government Pleader, S.R.No.52290

W.P.No.17470 of 2008

VGII (CO)
CS/30/08/2019