

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.25745 of 2009

V.Baskararao

...Petitioner

Vs

1.The Special Commissioner and Commissioner,
Labour and Employment and Training Department,
Guindy, Chennai - 600 032.

2.The Joint Director,
Labour and Employment and Training Department,
Alandur Road, Guindy,
Chennai - 32.

3.The District Employment Officer,
District Employment Exchange Office,
Thiruvallur, Thiruvallur District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the first respondent in Ni.Va.3/20885/07 dated 17.03.2009 and quash the same and directing the respondents to restore the seniority of the petitioner in Employment Exchange bearing Registration No.2409/98 on the file of the third respondent with effect from 05.04.2004 and renewal of the same for the year 2007 on the basis of the representation dated 20.04.2007.

For Petitioner : Mr.Ravichandran

For Respondents: Mr.M.Elumalai

Government Advocate

ORDER

This writ petition has been filed to quash the impugned order passed by the first respondent in Ni.Va.3/20885/07 dated 17.03.2009 and to direct the respondents to restore the seniority of the petitioner registered with the third respondent-Employment Exchange in Regn. No.2409/98, with effect from 05.04.2004 and to renew the same for the year 2007 on the basis of the petitioner's representation dated 20.04.2007.

2.This writ petition was filed in the year 2009 when the petitioner was aged about 34. Today he is 43 years old, whereas the Government Order in G.O.Ms.No.16, Backward Classes, Most

Backward Classes and Minorities Welfare (BC.I) Department dated 03.05.2002 makes the petitioner ineligible as he is over aged beyond the upper age limit of 32 years. It would be appropriate to extract paragraph-2 of the said Government Order as under:

"2.In the Government Order second read above, orders were issued enhancing the age limit of 30 years to 32 years in respect of candidates belonging to Most Backward Classes / Denotified Communities who do not possess qualifications higher than the minimum general educational qualification (SSLC), the age limit for direct recruitment to the posts for which SSLC or below is prescribed as the minimum educational qualification at entry level."

3.In the light of the above, since the petitioner is over aged, he cannot seek any appointment in the Government Department. Therefore, the writ petition fails and accordingly it is dismissed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

KM
To

- 1.The Special Commissioner and Commissioner,
Labour and Employment and Training Department,
Guindy, Chennai - 600 032.
- 2.The Joint Director,
Labour and Employment and Training Department,
Alandur Road, Guindy,
Chennai - 32.
- 3.The District Employment Officer,
District Employment Exchange Office,
Thiruvallur, Thiruvallur District.

+1 CC to Mr.S.N.Ravichandran, Advocate sr 20677.
+1 CC to Govt. Pleader sr 20921.

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RGN (CO)
SP(29/03/2019)