

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 9913 of 2019
and
W.M.P. Nos. 10491 & 10492 of 2019

R.Jagadheesh

... Petitioner

Vs.

1.State of Tamil Nadu
Rep by its Secretary, BC, MBC &
Minorities Welfare Department
Fort St. George, Chennai-600009.

2.Director General of Police/Chairman
Tamil Nadu Uniformed Services Recruitment Board
Chennai - 600 008.

3.Additional Director General of Police/Member
Tamil Nadu Uniformed Services Recruitment Board
Chennai - 600 008.

4.Inspector General of Police /Member Secretary
Tamil Nadu Uniformed Services Recruitment Board
Chennai - 600 008.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent as per Notification (No.2/2019) dated 08.03.2019, in so far it stipulates the age limit as on 01.07.2019 and to quash the same and consequently, direct the respondents to accept the petitioner Application applied on 24.03.2019.

For Petitioner : Mr.R.Esakkiraja
For Respondents : Mr.D.Suriya Narayanan
Additional Government Pleader
[For R1]
Mr.V.Kathivelu
Special Government Pleader
[For R2toR4]

O R D E R

The age limit prescribed in the recruitment notification No.2 of 2019 dated 08.03.2019 is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the writ petitioner submitted his application for recruitment to the post of Sub-Inspector of Police, pursuant to the notification dated 08.03.2019. The application submitted by the writ petitioner through on-line was not accepted, on the ground that the writ petitioner is over aged. Thus, the writ petitioner is constrained to move the present writ petition.

3.The contention of the petitioner is that he is fully qualified and within the age limit as on the date of submission of his application.

4.However, he is not eligible based on the cut-off date in respect of the age limit prescribed in the notification as 01.07.2019. The age eligibility prescribed under the notification is extracted hereunder:

"5.Age Eligibility:

The applicant should have attained the age of 20 and should not be aged about 28 years as on 01.07.2019. The upper age limit relaxation is given to certain categories as follows:-

Category	Upper age limit
BC (Backward Class, BC (M), (Backward Class [Muslim]), MBC (Most Backward Class)/ DNC (De-notified Community)	30 years
SC, (Scheduled Castes), SC (A) Scheduled Castes [Arunthathiyar]), ST, (Scheduled Tribes).	33 years
Destitute Widow	35 years
Ex-servicemen/ Ex-personnel of Central Paramilitary Forces (Discharged from service within 3 years from the date of notification i.e. Must have been discharged on or after 08.03.2016) / Serving persons who are going to retire within one year from the last date of receipt of online application.	45 years

Category	Upper age limit
Departmental candidates appearing for departmental quota examination	45 years

As per the conditions stipulated in the age eligibility class, the petitioner should not have crossed 30 years of age as on 01.07.2019.

5.The arguments advanced by the learned counsel for the writ petitioner is that when the writ petitioner is fully qualified and within the age limit as on the date of submission of his application. The cut-off in respect of the age limit prescribed in the recruitment notification is erroneous. Such an argument cannot be accepted, in view of the fact that fixing cut off date in respect of age limit is an accepted norm and such cut-off date is validated by the Hon'ble Apex Court of India. Fixing cut off date in respect of age limit is inevitable and therefore, cut-off date as 01.07.2019 cannot be questioned at all. If the arguments of the writ petitioner is accepted, no cut-off can be prescribed at all. Whatever the cut off date is fixed, a group of persons will be ineligible on account of over aged. Thus, the argument advanced by the learned counsel for the writ petitioner can never be accepted and the learned Special Government Pleader appearing on behalf of the respondents states that the cut-off date is fixed in all the recruitment conducted by the respondents-Board and therefore, the writ petitioner is not eligible to participate in the process of selection, as he will have crossed 30 years of age as on 01.07.2019. Thus, the rejection of application is in consonance with the terms and conditions of the recruitment notification.

6.Accordingly, this writ petition is devoid of merits and dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

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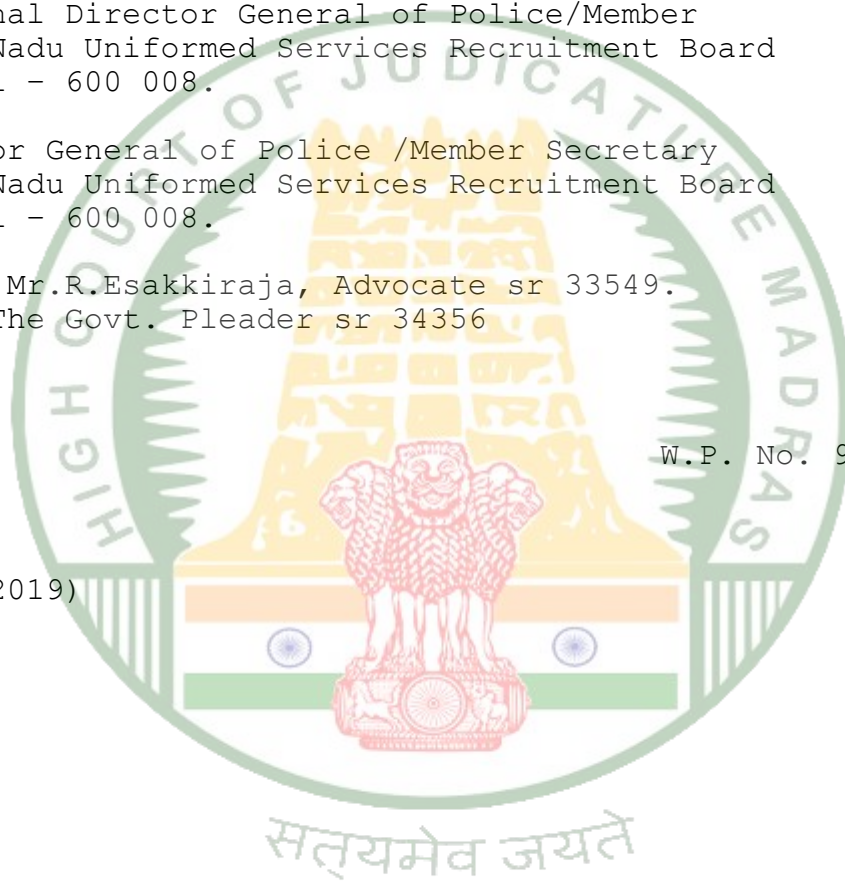
+2 CCS to Mr.R.Esakkiraja, Advocate sr 33549.

+1 CC to The Govt. Pleader sr 34356

W.P. No. 9913 of 2019

PPA(CO)

SP(30/04/2019)



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