

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2019

Coram

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2648 of 2018
and
W.M.P.No.3276 of 2018

C.Ramesh

... Petitioner

Vs.

1. The Principal Secretary to Government,
Labour and Employment Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Principal Secretary to Government,
Energy Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
3. The Director,
Industrial Safety and Health,
Industrial Estate,
Guindy, Chennai - 600 032.
4. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 3rd respondents herein to consider the petitioner's representation dated 01.12.2017 in respect of qualifications in the Special Rules to the Tamil Nadu Factories Service incorporating the educational qualification of ME/M.Tech (Industrial Safety Engineering) as an preferential qualification for the post of Assistant Director of Industrial Safety and Health within the

stipulated time, and consequently, direct the 4th respondent to keep in abeyance the selection process in pursuant to the Notification 26/2017 dated 17.11.2017 of the 4th respondent in relation only to the post of Assistant Director of Industrial Safety and Health.

For Petitioner : Mr.M.R.Jothimanian
For Mr.K.Balu

For R1 and R2 : M/s.P.Rajalakshmi
Additional Government Pleader

ORDER

Though a larger relief has been sought for in the Writ Petition, the learned counsel on behalf of the Writ Petitioner restricts the prayer by stating that it is fair, if a direction is issued to the respondents 1 to 3 to consider the representation submitted by the Writ Petitioner to include M.E/M.Tech degree as a qualification for appointment to the post of Assistant Director of Industrial Safety and Health.

2. This Court is of the opinion that prescription of qualification age limit and other conditions are the prerogative of the employers, specifically, the appointing authority. The Courts cannot issue any direction to incorporate an educational qualifications or other criteria in respect of the recruitment to be conducted.

3. However, the learned counsel for the Writ Petitioner states that as per G.O.(Ms).No.291 Labour and Employment (M2) Department dated 26.10.2004, the Government itself has recognized the degree of M.E., in Industrial Safety Engineering as a qualification for appointment to the post of Safety Officers, therefore, necessary actions are to be initiated.

4. Thus, without going into the merits of the matter, the 1st respondent is directed to consider the representation dated 01.12.2017 submitted by the Writ Petitioner and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5. The Writ Petitioner is directed to enclose the copy of the representation and all other Government Orders, along with the order passed in this Writ Petition.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Principal Secretary to Government,
Labour and Employment Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Principal Secretary to Government,
Energy Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
3. The Director,
Industrial Safety and Health,
Industrial Estate,
Guindy, Chennai - 600 032.
4. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

+1 cc to Mr.K.Bala, Advocate Sr.No.10704

+1 cc to The Government Pleader, Sr.No.10768

WEB COPY

W.P.No.2648 of 2018

and

W.M.P.No.3276 of 2018

CSL/07.03.2019