

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

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

W.P.Nos.34501 & 34861 of 2018

P.Sivaprakasam .. Petitioner in WP.No.34501/2018

V.Pugalendiran .. Petitioner in WP.No.34861/2018

Vs.

The Joint Director (Crafts man Training),
Directorate of Employment and Training,
Thiru Vi.Ka.Industrial Estate,
Guindy,
Chennai - 600 032. ... Respondent in both WPs.

Prayer in WP.No.34501/2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, directing the respondent to send interview card to the petitioner for the post of Junior Training Officer (Electrical/Instrument) at the Department of Employment and Training (Training Wing) to be held from 2.11.2018.

Prayer in WP.No.34861/2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, directing the respondent to send interview card to the petitioner for the post of Junior Training Officer (Mechanic/Instrument) at the Department of Employment and Training (Training Wing).

For Petitioners : Mr.S.T.Varadarajulu
..in both WPs.

For Respondent : Mr.D.Suriyanarayanan
Additional Government Pleader.
..in both WPs.

COMMON ORDER

The writ for Mandamus is filed to direct the respondent to send interview card to the writ petitioners for the post of

Junior Training Officer at the Department of Employment and Training Wing and pass orders.

2. The writ petitioners as of now are aged about 47 & 48 years respectively.

3. The learned counsel for the writ petitioners states that the writ petitioners are fully qualified for appointment to the post of a Junior Training Officer in the Employment Wing of the Directorate of Employment and Training.

4. The writ petitioners attended the interview for the appointment to the post of Junior Training Officer. However, they were not selected and thereafter, the writ petitioners had not received any call letter for the purpose of appointment to the post of Junior Training Officer.

5. The learned counsel for the writ petitioners states that even in proceedings dated 27.02.2014, which was issued pursuant to the interim order passed by this Court in M.P.No.1 of 2014 of W.P.No.5962 of 2014 dated 27.02.2014, the Directorate of Employment and Training informed the writ petitioners that their case will be considered in accord with the Rule of Reservation and as per the Recruitment Rules in force.

6. This Court on earlier occasion has dealt with the similar issue in W.P.No.29940 of 2018, dated 20.03.2019, and the relevant paragraphs are extracted hereunder:

"5. The learned counsel for the writ petitioner states that even in proceedings dated 3.12.2014, which was issued pursuant to the interim order passed by this Court in WP No.9679 of 2014 dated 5.11.2014, the Directorate of Employment and Training informed the writ petitioner that his case will be considered in accord with the Rule of Reservation and as per the Recruitment Rules in force.

6. Therefore, the learned counsel for the writ petitioner states that the case of the writ petitioner is to be considered, even as per the observations made by the respondents in proceedings dated 3.12.2014.

7. Public appointment cannot be secured merely on the ground that the writ petitioner participated in the interview or eligible for appointment to the particular post. All appointments are to be made strictly in accordance with the Recruitment Rules in force and by following the Rule of Reservations.

8. This Court is of the considered opinion that undoubtedly, the writ petitioner participated in the process of interview during the year 2004. During the relevant point of time, the mode of recruitment for the

purpose of appointment to the post of Junior Training Officer was through District Employment Exchange concerned. But, however, subsequently, the policy for recruitment to the post of Junior Training Officer underwent changes and now appointments are made only through Open Competitive Process.

9. In respect of the case of the writ petitioner, a counter-affidavit filed by the respondents, it is stated as under:-

"The petitioner belongs to Most Backward Class (MBC) and he had qualified National Trade Certificate examination in the trade of Instrument Mechanic. The maximum age limit for MBC category is 37. As per the petitioner is 47 years old at the time of issue of notification, he is not eligible for applying to the post of Junior Training Officer in the direct recruitment process for the year 2016 as he is overaged. The petitioner's eligibility to appear for the practical skill cum teaching ability tests followed by personal interview will arise only if he is permitted to appear for first level screening test. Relaxation to the petitioner in age just for the reason of not being sponsored by Employment Exchange could not be granted by this Department considering the existing recruitment procedure and such a move will violate the recruitment procedure."

10. In view of the fact that the writ petitioner even at the time of filing the writ petition is aged about 49 years and now probably he would be 50 years of age. This Court is of the opinion that the writ petitioner may not be eligible as per the Recruitment Rules. If at all, the Recruitment Rules provide any such concession in respect of age, the writ petitioner is at liberty to submit application, if any Notification in that regard is issued.

11. With the above observations, the writ petition stands dismissed. However, there shall be no order as to cost."

7. In view of the fact that the writ petitioners even at the time of filing the present writ petition, they were aged about 48 years and now probably they would be around 49 years of age. This Court is of the opinion that the writ petitioners may not be eligible as per the Recruitment Rules. If at all, the Recruitment Rules provide any such concession in respect of age,

the writ petitioners are at liberty to submit application, if any Notification in that regard is issued.

8. With the above observations, the writ petitions stands dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Pns

To

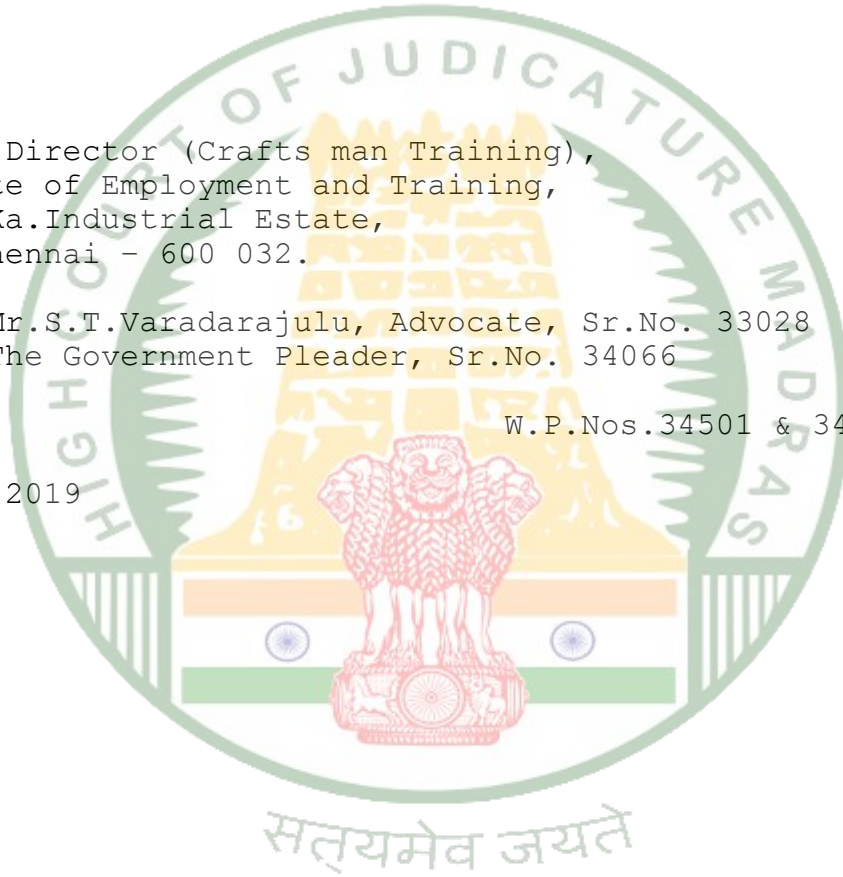
The Joint Director (Crafts man Training),
Directorate of Employment and Training,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

+1 cc to Mr.S.T.Varadarajulu, Advocate, Sr.No. 33028

+1 cc to The Government Pleader, Sr.No. 34066

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LN(CO)
CSL/29.04.2019



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