



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.3763 & 3764 of 2014

and

M.P. (MD) Nos.1 & 1 of 2014

N.Gopalakrishnan ... Petitioner in W.P.(MD) No.3763 / 2014

V.Sivakumar ... Petitioner in W.P.(MD) No.3764 / 2014

vs.

1.The State of Tamil Nadu
rep.by its Principal Secretary
Labour and Employment Department
Secretariat, Fort St.George
Chennai-600 009

2.The Commissioner
Employment and Training
Guindy, Chennai-32

3.The District Employment Officer
Thanjavur District Employment Exchange
Thanjavur ... Respondents in both W.Ps.

PRAYER (in both W.Ps.): Writ petitions filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to consider the petitioners' case for appointment to the post of Junior Training Officer based on the Employment seniority and educational qualification by relaxing the upper age limit as stipulated in the Notification issued in Tho.Pa./38221/2013 dated 30.12.2013 by the 2nd respondent within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
(in both W.Ps.)

For Respondents : Mr.D.Muruganantham
(in both W.Ps.) Additional Government Pleader

C O M M O N O R D E R

The relief sought for in the present writ petitions is to direct the respondents to consider the writ petitioners' case for appointment to the post of Junior Training Officer, based on their employment seniority and educational qualification by relaxing the upper age limit as stipulated in the Notification, dated 30.12.2013,



by the second respondent, within a stipulated time.

2. The writ petitioners state that they are fully qualified for appointment to the post of Junior Training Officer. However, the writ petitioners were unable to participate in the process of selection on account of the fact that they became overaged during the relevant point of time. Thus, the writ petitioners are constrained to move the present writ petitions seeking relaxation of age limit.

3. All appointments are to be made strictly in accordance with the recruitment rules in force. Appointments *per se* cannot be claimed as a matter of right. The competent authorities, while undertaking the process of selection and appointment, must follow the recruitment rules scrupulously. Prescription of terms and conditions for recruitment, including educational qualification, age limit and other criterias, is the administrative prerogative of the competent authorities. Courts cannot grant age relaxation with reference to the maximum age limit prescribed for appointment in the recruitment notifications. The power of judicial review cannot be extended so as to grant age relaxation to the writ petitioners for the purpose of securing appointment to the post of Junior Training Officer. This being the principles to be followed, the very relief to grant age relaxation as such sought for in the present writ petitions cannot be considered under Article 226 of the Constitution of India.

4. Accordingly, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Principal Secretary,
Labour and Employment Department,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Commissioner,
Employment and Training,
Guindy, Chennai-32.



3.The District Employment Officer,
Thanjavur District Employment Exchange,
Thanjavur.

+1cc to Mr.G.THALAIMUTHARASU, Advocate, SR.No. 73674

+1cc to M/s.Special Government Pleader,SR.No. 73908

W.P. (MD) Nos.3763 & 3764 of 2014

and

M.P. (MD) Nos.1 & 1 of 2014

04.07.2019

KRK

KK/SAR/18.07.2019/3P-6C