



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.7844 of 2015

and

M.P. (MD) No.2 of 2015

M.Elayakumar

... Petitioner

vs.

1.The Director

Rural Development and
Panchayat Raj Department
Chepauk, Chennai-5

2.The District Collector

Virudhunagar District
Virudhunagar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records on the file of the 2nd Respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.Q2/27302/2014 dated 16.04.2015 and quash the same and consequently direct the respondents to consider the petitioner's case for appointment to the post of Road Inspector by relaxing the upper age limit in virtue of Rule 12(d)(i) of the Tamil Nadu State and Subordinate Service Rules within a time stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Dhayalan
Government Advocate

O R D E R

The impugned order, dated 16.04.2015, passed by the second respondent, states that as per the Government Order in G.O.(Ms) No.70, Rural Development and Panchayat Raj Department, dated 20.03.2000, the age limit fixed for appointment to the post of Road Inspector Grade-II is 35 years. The writ petitioner, at the time of consideration, had crossed the age limit of 35 years and therefore, he was not eligible for appointment to the post of Road Inspector Grade-II.



2. The learned counsel for the writ petitioner states that though the name of the writ petitioner was sponsored by the District Employment Exchange, his case was not considered, on account of the fact that he was over aged at the time of selection.

3. The grant of age relaxation cannot be considered by the High Court. Relaxation of the requisite qualification cannot be granted in a routine manner. The benefit of relaxation is to be granted only by the Government, if any gross injustice is occurred to an employee or group of employees. Relaxation can never be claimed as a matter of right. Relaxation is to be granted strictly in accordance with the rules in force. When the recruitment rules provide the age limit as 35 years for a particular post / cadre, the same cannot be relaxed and in the event of relaxation, the same will create discrimination in the matter of implementation of the recruitment rules. This being the factum, this Court is of the view that the impugned order is in consonance with G.O.(Ms) No.70, Rural Development and Panchayat Raj Department, dated 20.03.2000, in respect of the age limit fixed for appointment to the post of Road Inspector Grade-II.

4. Accordingly, the writ petition is devoid of merits and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/ True Copy /

Sub Assistant Registrar (CS-)

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To:

1.The Director,
Rural Development and
Panchayat Raj Department,
Chepauk, Chennai-5.

2.The District Collector,
Virudhunagar District, Virudhunagar.

+1 CC to M/s.SPL GP (SR-70658[F] dated 21/06/2019)

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