



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) .No.13074 of 2014

and

M.P. (MD) No.1 of 2014

B.Kannan

... Petitioner

-Vs-

1.The Government of Tamil Nadu  
Represented by its Secretary,  
School Education Department,  
Chennai-9.

2.The Director of Public Libraries,  
737/1, Anna Salai, Chennai-1.

3.The Assistant Director,  
The District Employment Office,  
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2<sup>nd</sup> respondent herein in Na.Ka.No.9901/A2/2012, dated 30.04.2014 and quash the same and consequently direct the 2<sup>nd</sup> respondent to determine the maximum age limit as 35 for the petitioner belonging to the Forward Category for being appointed to the post of Village Librarian in terms of G.O.Ms.No.98, dated 17.07.2006 and consequently direct the 3<sup>rd</sup> respondent to sponsor his name for being considered for the said post.

|                 |                                                            |
|-----------------|------------------------------------------------------------|
| For Petitioner  | : Mr.A.Sivasubramanian<br>for M/s.Siva Ayyappan Associates |
| For Respondents | : Mrs.S.Srimathy<br>Special Government Pleader             |

**ORDER**

The order of rejection, dated 30.04.2014, rejecting the claim of the writ petitioner for grant of age relaxation for appointment to the post of Village Librarian, is under challenge in the present writ petition.

2.The writ petitioner claims that he had passed Certificate Course in Library and Information Science and accordingly, he is fully qualified and eligible for appointment to the post of Village Librarian in the Department of Public Libraries. However, his case was not considered for appointment on account of the fact that he is already over aged.



3. The learned counsel appearing on behalf of the writ petitioner states that during the relevant point of time, the Government imposed a ban for appointment and therefore, the writ petitioner did not get an opportunity to participate in the process of selection for appointment to the post of Village Librarian.

4. The learned Special Government Pleader appearing on behalf of the respondents disputed the contentions by stating that five years relaxation were subsequently granted by the Government in respect of the person who was all affected on account of the ban imposed in between the years 2001-2006. This apart, the name of the writ petitioner had not been sponsored by the Employment Exchange for appointment to the post of Village Librarian. This being the factum, the present writ petition is filed seeking relaxation of age, cannot be granted at all.

5. All appointments are to be made strictly in accordance with the recruitment rules in force. Fixing of eligibility criteria, minimum educational qualifications and other terms and conditions for recruitment are the prerogative of the employer concerned. Thus, the Courts cannot interfere with the policy decisions of the Government in the matter of fixing the age limit and other criterias to be fixed for a particular post. This being the principles to be followed, this Court cannot grant any relaxation of age enabling the writ petitioner to participate in the process of selection. The writ petitioner was not even sponsored by the Employment Exchange for appointment to the post of Village Librarian. This being the factum, the writ petitioner has not established, even a semblance of legal right so as to consider the relief as such sought for in the present writ petition. Even for entertaining a writ petition, the writ petitioner must establish a cause and in the present case as the writ petitioner fails to establish neither a cause nor a right, no relief as such sought for in the present writ petition can be granted.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS )

To

1. The Secretary,

<https://hcservices.apcourts.gov.in/hcservices/>  
School Education Department,  
Chennai-9.



2.The Director of Public Libraries,  
737/1, Anna Salai, Chennai-1.

3.The Assistant Director,  
The District Employment Office,  
Dindigul.

+1 CC to Mr.A. SIVASUBRAMANIAN, Advocate ( SR-83512[F] dated  
27/08/2019 )

+1 CC to SPL GP ( SR-83529[F] dated 27/08/2019 )

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sj i

MK (09.09.2019) 3P 6C