



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14044 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

S.Dhanabalan

... Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Commissioner,
Mudhukulathur Panchayat Union,
Mudhukulathur,
Ramanathapuram District.

... Respondents

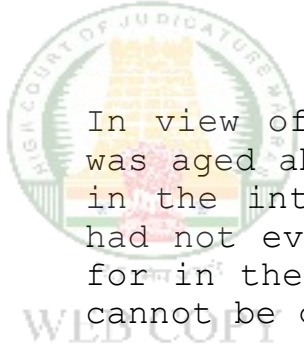
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.A1/911/2015, dated 12.06.2015 and the impugned notification issued by the second respondent in Na.Ka.A1/911/2015 dated 21.07.2015, quash the same, and consequently direct the respondents to consider the petitioner for appointment to the post of Night Watchman in the second respondent Panchayat.

For Petitioner	: Mr.P.Kalaiyarasi Bharathi
For R1	: Mr.D.Muruganandham
	Additional Government Pleader.
For R2	: Mr.K.P.Krishnadas

ORDER

The recruitment notification dated 21.07.2015 issued for appointment to the post of Night Watchman by the Commissioner of Mudhukulathur Panchayat Union as well as the official communication issued by the Commissioner, Mudhukulathur Panchayat Union, Ramanathapuram District in proceeding dated 12.06.2015, are under challenge in the present Writ Petition.

2.The letter of the Commissioner states that as per the Government Orders, maximum age limit of 32 years was fixed. However, the writ petitioner, namely, S.Dhanapalan was aged about 40 years and he belongs to BC Community. Therefore, the writ petitioner cannot be selected for appointment to the post of Night Watchman. As per the Government Orders, maximum age limit for appointment to the post of Night Watchman was 32 years with reference to the recruitment notification issued on 21.07.2015.



In view of the fact that even at that time, the writ petitioner was aged about 40 years, he was not even called for to participate in the interview. In view of the fact that the writ petitioner had not even participated in the interview, now the relief sought for in the present Writ Petition to grant relaxation of age limit cannot be granted.

3.This apart, the age limit prescribed in the recruitment rules cannot be challenged and relaxation of age cannot be granted. Even at the time of filing of the Writ Petition, the writ petitioner was aged about 40 years, now he would be around 45 years and therefore, the question of appointing him in the post of Night Watchman would not arise at all.

4.This apart, the present Writ Petition is filed, challenging the recruitment notification and pursuant to the injunction granted by this Court by order dated 07.08.2015, nobody was appointed and the writ petitioner is allowed to continue as daily wage employee. The continuance of daily wage employee is no way connected with the permanent appointment in the sanctioned post. When the post is sanctioned one, the competent authorities are bound to fill up the post on permanent basis by calling regular selection by following the recruitment rules in force.

5.This being the principles to be followed, this Court is of the considered opinion that with reference to the impugned notification, the relief of age relaxation or quashing the notification cannot be granted.

6.Accordingly, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Collector, Ramanathapuram District, Ramanathapuram.

+1 CC to Mr.K.P.KRISHNA DOSS, Advocate SR-74837.

+1 CC to SPL GP SR-74990.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate SR-74928.

W.P(MD)No.14044 of 2015