

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.10.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 29302 OF 2013
and
M.P.Nos.1 & 2 of 2013

M.Pushparani

.. Petitioner

- Vs -

1. The Director of School Education,
Chennai -06.

2.The District Educational Officer,
Dharmapuri District.

3.P.Shanthi

4.R.Manimala

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorari Mandamus, calling for the entire records connected with the impugned order of selection of the 3rd and 4th respondents in Na.Ka. No.1802/ Aa1/2012 dated 23.11.2012 and quash the same consequently direct the 1st and 2nd respondent to select the petitioner in the Post of Nigh Watchman to Higher Secondary School within the time frame that may be fixed by this Court.

For Petitioner : Meenakshi for
M/S.S.Jim Raj Milton

For Respondents: Mr. S.Sureshkumar, G.A. for RR1 & 2
: M/S.V.R.AAnnagandhi for R3
:M/S.V.Indumathi for R4

ORDER

This writ petition has been filed by the petitioner, to call for the entire records connected with the impugned order of selection of the 3rd and 4th respondents in Na.Ka. No.1802/

Aa1/2012 dated 23.11.2012 and quash the same consequently direct the 1st and 2nd respondent to select the petitioner in the Post of Night Watchman to Higher Secondary School within the time frame as fixed by this Court.

2. It is the case of the petitioner that after completion of education, the petitioner registered her name in the District Employment office, Dharmapuri on 28.12.1993. Since 2012, no call letter or interview was received from the above said employment Office. However, only on 03.06.2012, the petitioner received a letter from the 2nd respondent for certificate verification to be held on 23.06.2012, for the post of Night Watchman in Higher Secondary School, and therefore the petitioner appeared for certificate verification on the same day. Once again she had received another call letter on 15.08.2012 for certificate verification for the very same post. The petitioner again appeared for certificate verification on 18.8.2012 with all the required certificates. However, the petitioner's name was not found in the selected list proposed by the Employment Exchange. The grievance of the petitioner is that all the 4 selected candidates in M.B.C.(Woman) category including the 3rd and 4th respondents were less qualified and also junior to the petitioner both in date of birth and registration in employment exchange. Though the petitioner was the senior most candidate proposed by the 2nd respondent employment exchange, she was not selected. It is the further case of the petitioner that the petitioner made an application under the Right to Information Act and sought details about the selection process and the list of selected persons for the post of Night Watchman in Higher secondary School in Dharmapuri District. On 30.05.2013, while replying the RTI query, the information officer disclosed the list of selected persons, but, however refused to answer properly regarding the selection process. Aggrieved by the action of the respondents in not selecting her though she was fully qualified for the post of Night Watchman in Higher secondary School in Dharmapuri District, the present petition has been filed.

3. When the matter is taken up for hearing, learned Government Advocate appearing for the respondents, while reiterated the contentions raised in the counter and submitted that the selection process had been conducted in accordance with the rules and the Government Orders in force, further submitted on the crucial date, the petitioner having crossed the age of 37 years, even after the requisite relaxation granted to the petitioner, her candidature was not considered and respondents 3 and 4 being within the prescribed age limit, their case was considered for selection.

4. Learned counsel appearing for the petitioner, though reiterated the contentions raised in the grounds, however, fairly conceded that the petitioner had crossed the age prescribed for the said post. However, it is prayed that juniors to the petitioner having been appointed, this Court may permit the petitioner to participate in the selection process for future arising vacancies.

5. This Court paid its attention to the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6. The facts in the present case are not disputed one. On perusal of the counter affidavit, it reveals that the petitioner was not selected on the ground of overage which is prescribed for the post of Night Watchman in Higher secondary School in Dharmapuri District. As per Service Rules of Tamilnadu basic Service, the Government of Tamilnadu have prescribed qualifications and age for appointment as Watchman and, therefore, a prescription given in the rule should not be contravened and the selection should meet the test of reasonableness this Court shall normally not interfere with the said selection process.

7. There is no question as to the reasonableness of the qualification prescribed, i.e., the candidate's age shall not exceed 32 years as on 1.7.2012 (37 years for MBC candidates). The issue raised by the petitioner in the present case is only to the extent of her juniors being considered for selection and her name has not been considered. The age limit, which has been prescribed, is not in issue before this Court. The contention of the respondents is that the petitioner being over-aged, was not considered for appointment.

8. It is true that persons, who are juniors to the petitioner, viz., the 3rd and 4th respondents, have been selected and appointed. However, even applying the rule of age relaxation, the petitioner having not fallen within the said age limit, her case was not considered. However, it is to be noted that the writ petition has been filed in the year 2013 and the selected candidates were given appointment on 23.11.2012 and they have joined their respective posts. Therefore, when the petitioner's case has been rejected on following the relevant rules, this Court is of the view that no interference is warranted with the selection process as the petitioner has not placed any materials disputing the stand of the respondents.

09. For the reasons aforesaid, this Court is not inclined to grant any relief to the petitioner as sought for. Accordingly, this writ petition fails and the same is dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are closed. However, this Court permits the petitioner to participate in the selection process for future vacant posts, if she is otherwise eligible.

Sd/-
Asst.Registrar (CS VIII)

/true copy/
Sub Asst. Registrar

jrs
To

1. The Director of School Education,
Chennai -06.
- 2.The District Educational Officer,
Dharmapuri District.

+1 cc to the Government Pleader sr33076
+1 cc to Mr.V.R.Anna Gandhi Advocate sr33061

W.P. NO. 29302 OF 2013

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