

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos. 9068 and 10007 of 2020
and W.M.P.Nos.11043 and 12164 of 2020

S.Jayasri

.. Petitioner in
W.P.No.9068 of 2020

S.Gayathri

... Petitioner in
W.P.No.10007 of 2020

Vs

1. Union of India,
Rep. by the Secretary to Government,
Ministry of Home Affairs, New Delhi.
2. The Chief Secretary to Government,
O/o. the Chief Secretariat, Puducherry.
3. The Joint Secretary to Government,
Home Department, Chief Secretariat,
Puducherry.
- 4.The Director General of Police,
Puducherry.
5. The Superintendent of Police,
(Headquarters)
Puducherry.

.. Respondents in
both W.Ps

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the concern records relating to the order dated 12/03/2020 in O.A.Nos.230 and 1341 of 2020 passed by the Central Administrative Tribunal, Chennai Bench and quash the same in so far as it relates to the petitioners and consequently directing the respondents to permit the petitioners to participate in the Ground Test and Written Test for the recruitment to the post of Police Constable to be held pursuant

to the Notification 2841/A1/Estt.I(B)POL/2018, Puducherry, dated 20.08.2018 and consider them in the Police recruitment.

For Petitioner .. Mr.M.Gnanasekar
in both W.Ps

For Respondents .. Mr.S.S.Pajaniradja
for R1 in both W.Ps
Mr.Syed Musthafa,
Govt. Pleader (Pondy)
for R2 to R5 in both W.Ps

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

As the issue involved in both the writ petitions is one and the same, they have been taken up together and disposed of by a common order.

2.The short issue involved is with respect to the eligibility of the petitioners after the age relaxation.

3.The fourth respondent issued a Notification dated 20.08.2018 for recruitment of Police Constables in the Union Territory of Puducherry. The applications of the petitioners were not processed as they were found to be overaged notwithstanding the application for age relaxation. Accordingly, the petitioners crossed the age limit fixed on the cut off date - 22.09.2018. This is an admitted position. Taking note of the said position, the Tribunal dismissed the Original Applications filed by the petitioners.

4.Learned counsel appearing for the petitioners submitted that it is not the delay of the petitioners but that of the respondents. The petitioners were preparing for the recruitment/selection which was belatedly done. What is required is the educational qualification of the petitioners other than the eligibility. Therefore, the writ petitions will have to be allowed.

5.We do not find any merit in these writ petitions. Considering the submission made by the learned Government Pleader coupled with the fact that the petitioners are over aged, which is not in dispute, we are not inclined to allow these writ petitions. The question of fixation of eligibility and qualification is completely in the domain of the employer.

The said decision has also been put to challenge. As the petitioners are over aged, they were rightly not considered for the post. Thus we do not find any error in the order passed by the Tribunal. Accordingly, both the writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Ministry of Home Affairs,
New Delhi.
2. The Chief Secretary to Government,
O/o. the Chief Secretariat,
Puducherry.
3. The Joint Secretary to Government,
Home Department,
Chief Secretariat,
Puducherry.
4. The Director General of Police,
Puducherry.
5. The Superintendent of Police,
(Headquarters)
Puducherry.

+1cc to M/s.m.Gunasekar, Advocate Sr.No.26788
+1cc to the Government Pleader Sr.No.26698

W.P.Nos.9068 and 10007 of 2020

vsn ii(co)
rr ii (07/09/2020)