



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 2081 of 2014

and

M.P (MD) No. 1 of 2014

WEB COPY

K.Samuel Manohar Raj

... Petitioner

Vs.

1.The Principal Secretary,
Department of Sericulture,
Fort St.George,
Chennai - 600 009.

2.The Director,
Office of the Directorate of Sericulture,
Anaimeedu,
Salem - 636 001

3.The Assistant Director,
Professional and Executive Employment Office,
Pudur,
Madurai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the Rule 5 and 6 of Tamilnadu Industries Subordinate Service Rules as illegal and arbitrary in so far as fixing of upper age limit and qualification for the post of Assistant Sericulture Inspector and consequently direct the 2nd respondent to sponsor the petitioner's name for the post of Assistant Sericulture Inspector and further direct the 1st respondent to consider him for the appointment to the post of Assistant Sericulture Inspector.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.S.Dhayalan
Government Advocate

O R D E R

The relief sought for in the present writ petition is to declare Rule 5 and 6 of Tamilnadu Industries Subordinate Service Rules are illegal in so far as fixing of upper age limit and qualification for appointment to the post of Assistant Sericulture Inspector and consequently, direct the 2nd respondent to sponsor the name of the writ petitioner.



2. The relief is self speaking that the writ petitioner was over aged with reference to the recruitment notification issued by the respondents. The fact reveals that action was initiated to recruit 18 Assistant Inspectors of Sericulture, in the Department of Sericulture. Direct recruitments are made from inviting the list of candidates from the Directorate of Employment and Training, Chennai. As per the Tamil Nadu Industries Subordinate Service Rules, the qualification, education, experience and age prescribed for the post of Assistant Inspector of Sericulture are as under;-

"1) A B.Sc., degree in Botany or Zoology or Chemistry, and

2) (a) Practical experience for a period of not less than six months in Sericulture (or)

(b) Successful completion of six months training for graduates in the Sericulture Training School, Hosur (or)

(c) Post graduate Diploma in Sericulture awarded by the Tamil Nadu Agricultural University, Coimbatore.

Maximum age limit for the post of Assistant Inspector of Sericulture has been prescribed as 28 years, in the above special Rules. The petitioner has crossed the maximum age limit (as on date) Therefore, petitioner name was not sponsored by the Director of Employment and Training, Chennai for consideration for selection to the post of Assistant Inspector of Sericulture. As petitioner name was not included in the list of candidates sponsored from Directorate of Employment and Training petitioner was not called for interview. As stated by the petitioner himself it is submitted that the interview proposed to be conducted on 28.10.2013 has been cancelled due to announcement made by the Election Commission of India regarding by-election for Yercaud Assembly Constituency on 04.12.2013. It is also submitted that no advertisement was published in any media by this Department regarding recruitments since direct recruitments are made to the post by calling list of qualified candidates from the Directorate of Employment and Training, Chennai, for selection through interview. It is further submitted that the petitioner is aged about 43 years and has crossed the prescribed age qualification of 28 years in Special Rules and



therefore, the petitioner was not sponsored by the Directorate of Employment and Training."

3. The writ petitioner even at the time of filing of the writ petition was 43 years and now he would be around 49 years. The writ petitioner was over aged even at the time of recruitment notification issued by the respondents. Thus, he is constrained to challenge the fixation of upper age limit for appointment to the post of Assistant Inspector of Sericulture.

4. Prescription of educational qualifications, age and other criteria are the administrative decision. It is the prerogative of the employers to fix the qualification and age limit so as to assess the suitability and eligibility of the candidate for the purpose of appointment in particular post. Prescription of upper age limit cannot be questioned in normal circumstances. If the petitioner is able to establish any unconstitutionality in the matter of fixation of age limit, the rules are binding and the recruitment notification is valid.

5. Recruitment conditions are the prerogative of the employer concerned. The petitioner, who is already over aged, cannot challenge the rules fixing upper age limit for appointment to the post of Assistant Inspector of Sericulture. This being the basic principles to be considered, the very relief sought for in the present writ petition to remove the upper age limit for appointment to the post of Assistant Inspector Sericulture cannot be considered at all and thus, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK
To

1. The Principal Secretary,
Department of Sericulture,
Fort St. George,
Chennai - 600 009.

2. The Director,
Office of the Directorate of Sericulture,
Anaimedu,

<https://hcservices.ecourts.gov.in/hcservices> 636-001



3. The Assistant Director,
Professional and Executive Employment Office,
Pudur,
Madurai.

WEB COPY
+1 CC to SPL GP (SR-21015[F] dated 03/11/2020)

W.P. (MD) No. 2081 of 2014
02.11.2020

VB (09.11.2020) 4P 5C