



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.21440 of 2014

and

M.P.(MD)Nos.1 and 2 of 2014

A.Balamurugan

... Petitioner

-Vs-

1.The Secretary to Government of Tamil Nadu,
Transport Department,
St. George Fort, Secretariat,
Chennai-9.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.

3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai-10.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the candidature of the petitioner in the recruitment for the post of Junior Technicians (Sheet Metal Worker) by providing 5 years age relaxation as per the G.O.Ms.No.98, Personal Administration Reforms Department, dated 17.07.2006 and consequently, direct the respondents to conduct the interview to the petitioner for the post of Junior Technicians (Sheet Metal Worker) notified in the notification in Notification No.03/Kum/2014 published in Tamil Daily "Dhina Thanthi" dated 02.11.2014.

For Petitioner : Mr.M.S.Jeyakarthick

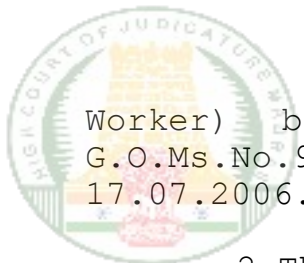
For Respondents : Mr.D.Muruganantham

Additional Government Pleader (for R1)

: Mr.J.Senthilkumaraiah (for R2 and R3)

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the candidature of the petitioner in the recruitment for the post of Junior Technicians (Sheet Metal



Worker) by providing 5 years age relaxation, as per the G.O.Ms.No.98, Personal Administration Reforms Department, dated 17.07.2006.

2.The prayer, as such, cannot be granted in view of the fact that the relaxation can never be claimed as a matter of right. The power of relaxation can be exercised by the Government only on exceptional circumstances where there is a gross in justice and not otherwise. The age, educational qualifications and other criteria fixed in the recruitment rules are to be followed strictly. Appointments cannot be granted by relaxing the age limit prescribed in the Rules. The petitioner, even at the time of filing the writ petition, was aged about 38 years and now he would be around 44 years. The Courts cannot grant age relaxation for the purpose of securing an appointment. Appointments are to be made strictly in accordance with the Rules in force.

3.This being the principles to be followed, the very nature of relief sought for in the writ petition cannot be granted and thus, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

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/ /2020

Sub Assistant Registrar(CS)

sjj

To

The Secretary to Government of Tamil Nadu,
Transport Department,
St. George Fort, Secretariat,
Chennai-9.

+1 CC to M/s.GP (SR-22400[F] dated 20/11/2020)

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-22226[F] dated 20/11/2020)

W.P. (MD) .No.21440 of 2014
19.11.2020

CK(CO)

KK(26.11.2020) 2P 4C