



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.846 of 2014

and

M.P(MD).No.1 of 2014

WEB COPY

N.Chandrasekar

... Petitioner

Vs.

1.Tamilnadu Generation and Distribution
Corporation Limited,
rep by its Chairman Cum Managing Director,
No.144, Anna Salai, Chennai-02.

2.The Secretary,
TANGEDCO, Secretariat Branch,
No.144, Anna Salai,
Chennai-02.

3.The District Employment Officer,
District Employment Exchange Office,
Theni,
Theni District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in No.A2/8466/2013(1) dated 04.11.2013 on the file of the respondent No.3 and quash the same as illegal and consequently, to direct the respondent No.2 to consider the petitioner for appointment to the post of Assessor by getting the name of the petitioner sponsored by the respondent No.3 within the time stipulated by this Court.

For Petitioner : M/s.Tamilmalar
for Mr.T.Lajapathi Roy

For R1 and R2 : Mr.T.Sakthi Kumaran
Standing Counsel

For R3 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader



ORDER

The order dated 04.11.2013 passed by the third respondent/District Employment Officer that the writ petitioner is over aged and therefore, his name was not sponsored for selection to the post of Assessor in the Tamil Nadu Electricity Board, is under challenge in the present writ petition.

2.The petitioner made a submission that relaxation was granted by the respondents for appointment to the post of Assessor in favour of other candidates. This apart, as per Section 12(D) of the General Rules, there is no age limit, since the petitioner has acquired higher qualification and therefore, the case of the writ petitioner is to be considered.

3.As far as the General Rules are concerned, the same can be applied only if there is no special rules for such recruitment and notifications are issued. In other words, Special Rules will prevail over and in the absence of special Rules alone, the General Rules can be applied. In the present case, Special Rules are available for appointment to the post of Assessor in Tamil Nadu Electricity Board. This apart, General Rules cannot be directly applied to the Board, in the absence of any specific resolution by the Board in this regard. Thus, the Special Rules, which are in force alone can be applied for recruitment to the post of Assessor.

4.As per Special Rules, age limit fixed for OC candidate is 30 years, BC/MBC is 32 years and for SC/ST is 35 years. In view of the fact that the upper age limit has already been fixed in the Rules and the same was notified for the purpose of selection, the petitioner is not eligible to participate in the process of selection, in view of the fact that the petitioner has crossed the upper age limit of 35 years as on 01.01.2013 and his case was not considered and accordingly, the third respondent had not sponsored the name of the writ petitioner. The date of birth of the writ petitioner is 15.03.1973. This being the factum, the impugned order passed by the third respondent is in accord with the rules in force and there is no violation as such.

5.All appointments are to be made strictly in accordance with the rules in force. Relaxation or concession cannot be granted in a routine manner. Rules is to be followed and relaxations or exemptions are only permissible in certain extraordinary cases, where there is a gross violation of justice. Thus, the relaxations are to be made strictly in accordance with the rules and by providing equal opportunities to all the candidates, who are all aspiring to secure public employments. This being the Statutory Mandate, the writ petitioner has not established any acceptable



grounds for the purpose of considering the relief as such sought for in the present writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

- 1.The District Employment Officer,
District Employment Exchange Office,
Theni,Theni District.
- 2.The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai, Chennai-02.
- 3.The Secretary,
TANGEDCO, Secretariat Branch,
No.144, Anna Salai,
Chennai-02.

+1 CC to SGP (SR-21023[F] dated 03/11/2020)

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-21039[F] dated 04/11/2020)

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate (SR-20856[F] dated 02/11/2020)

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and
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CK (CO)

KM (11.11.2020) 3P 7C