

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.890 & 891 of 2021

M.Ganapathi ... Petitioner in W.P.No.890 of 2021

K.Palanisamy ... Petitioner in W.P.No.891 of 2021

Vs.

The State of Tamil Nadu,  
rep. By its Additional Chief Secretary to Government,  
Department of Rural Development & Panchayat Raj,  
Fort St. George,  
Chennai 600 009. .... 1<sup>st</sup> Respondent in both W.Ps.

The Director of Rural Development,  
Panagal Building,  
Saidapet, Chennai. .... 2<sup>nd</sup> Respondent in both W.Ps.

The District Collector,  
Thiruvannamalai District,  
Thiruvannamalai. .... 3<sup>rd</sup> Respondent in W.P.No.890/2021

The District Collector,  
Kallakurichi District,  
Kallakurichi. .... 3<sup>rd</sup> Respondent in W.P.No.891/2021

Writ Petition No.890 of 2021 filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the Respondents 1 to 3 to accept the candidature of the Petitioner for recruitment to the post of Overseer/Junior Draughting Officer notified in the Notification issued by the 3<sup>rd</sup> Respondent in proceedings Na.Ka.No.11929/2020/Pa.A2, dated 07.12.2020 by granting age relaxation to the Petitioner as per the order of this Court, dated 06.08.2008 passed in W.A.Nos.776 & 777 of 2008 and accordingly permit the Petitioner to participate in the said recruitment process.

Writ Petition No.891 of 2021 filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the Respondents 1 to 3 to accept the candidature of the Petitioner for recruitment to the post of Overseer/Junior Draughting Officer notified in the Notification issued by the 3<sup>rd</sup>

Respondent in proceedings Na.Ka.No.1817/2020/Pa.A2, dated 04.12.2020 by granting age relaxation to the Petitioner as per the order of this Court, dated 10.07.2009 passed in W.P.No.15250 of 2008 and accordingly permit the Petitioner to participate in the said recruitment process.

For Petitioner in both W.Ps. :Ms.Swadhi Subramaniam

For Respondents in both W.Ps.:Mr.J.Pothiraj,  
Special Government Pleader

### C O M M O N      O R D E R

As the issue involved in both Writ Petitions is one and the same, the cases are taken up for disposal by a common order.

2. Petitioners have come up with the above Writ Petitions seeking a direction to Respondents 1 to 3 herein to accept their candidature for recruitment to the post of Overseer/Junior Draughting Officer notified in the Notification issued by the 3<sup>rd</sup> Respondent in proceedings Na.Ka.No.11929/2020/Pa.A2, dated 07.12.2020 by granting age relaxation to them as per the order of this Court, dated 06.08.2008 passed in W.A.Nos.776 & 777 of 2008 and the order dated 10.07.2009 passed in W.P.No.15250 of 2008 and accordingly permit them to participate in the said recruitment process.

3. In a similar circumstance, the First Bench of this Court, by a judgment dated 06.08.2008 in W.A.Nos.776 & 777 of 2008, has held as follows:

"5. Considering the aforesaid facts, this Court dispose of the above two appeals by directing that in case of future recruitment to the post of Overseer in the aforesaid two Districts, viz., Tiruvannamalai and Dindigul, the appellants, whose registration continues in the Employment Exchange, should be given a chance to appear in the said recruitment process. In doing so, the cases of the appellants should not be discarded on the ground of their age. In other words, if they have crossed the requisite age, it should be condoned. After they appear in the written test, their performance in the test should be taken into account including their seniority in registration. This Court makes it clear that if in all these things, the appellants are found equal along with other persons who are to be recruited, in

that case, the case of the appellants should be given a weightage considering their past experience. This Court also gives a direction that the vacancies in the aforesaid two Districts in the post of Overseer may be filled up by initiating recruitment process as early as possible, preferably, within a period of six weeks from this date."

4. Petitioners herein are the beneficiaries of the abovesaid orders of this Court and they were given opportunity to participate in the selection process and pursuant to the abovesaid Division Bench order of this Court, recruitment was held on 03.09.2009 and 119 candidates were permitted to participate in the same and the Petitioners herein also participated in the examination.

5. It is the case of the Petitioners that, age relaxation will have to be extended to them on account of subsequent selection, as they are over-aged to be considered.

6. It is seen that, the abovesaid Division Bench order of this Court is to extend the benefits to candidates as One Time Measure and the Petitioners herein have already availed the benefits of the same by effectively participating in the recruitment process. Since they have failed in the examination, one more opportunity cannot be granted.

7. In view of the foregoing, I find no reason to grant the relief sought in these Writ Petitions. Accordingly, above Writ Petitions stand dismissed. No costs. Consequently, connected W.M.P.Nos.969 and 970 of 2021 are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

(aeb)

To:

1. The Additional Chief Secretary to Government,  
State of Tamil Nadu,  
Department of Rural Development & Panchayat Raj,  
Fort St. George, Chennai 600 009.

2. The Director of Rural Development,  
Panagal Building,  
Saidapet, Chennai.

3. The District Collector,  
Thiruvannamalai District,  
Thiruvannamalai.

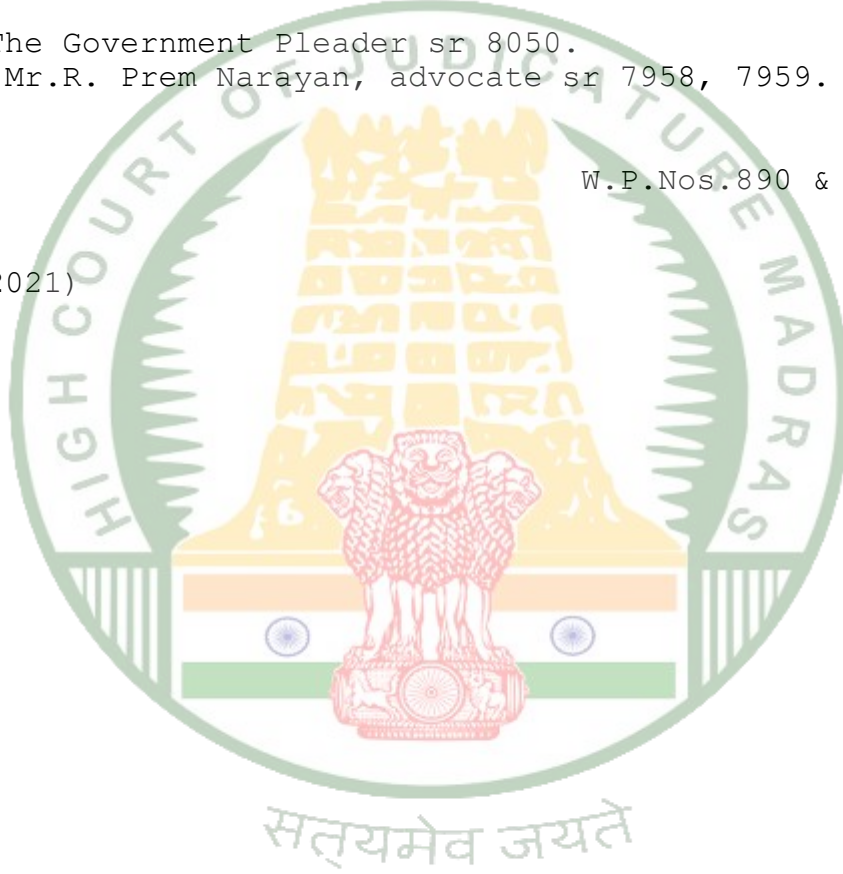
4. The District Collector,  
Kallakurichi District,  
Kallakurichi.

+1 CC to The Government Pleader sr 8050.

+2 Ccs to Mr.R. Prem Narayan, advocate sr 7958, 7959.

W.P.Nos.890 & 891 of 2021

SSI (CO)  
SP (09/03/2021)



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