



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.27121 of 2008
and M.P.No.3 of 2008

D.Praveen

...Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by the Secretary to Government,
Home Department,
Fort St.George, Chennai - 600 009.

2. The Chairman,
Tamilnadu Uniform Services Recruitment Board,
P.T.Lee, Chengalvarayan Nayakkar Trust,
II Floor, No.807, Anna Salai,
Chennai - 600 002.

...Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for all the relevant records pertaining to the Advertisement in Adv.No.Nil issued in Tamil daily "Thina Thanthi" dated 19.10.2008 by the Chairman, Tamilnadu Uniform Services Recruitment Board, P.T.Lee, Chengalvarayan Nayakkar Trust, II Floor, No.807, Anna Salai, Chennai - 600 002, the second respondent herein inviting applications for the appointment to 209 posts of Sub-Inspector of Police (Technical) and quash the same in so far as fixing the Minimum age criteria in item II as 20 years as on 01.07.2006 is concerned and thereby direct the respondents herein to accept the petitioner's application dated 04.11.2008 for the above post.

For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.C.Selvaraj
Government Advocate (Civil)

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for all the relevant records pertaining to the Advertisement in Adv.No.Nil issued in Tamil daily "Thina Thanthi" dated 19.10.2008 by the Chairman, Tamilnadu Uniform Services



Recruitment Board, P.T.Lee, Chengalvarayan Nayakkar Trust, II Floor, No.807, Anna Salai, Chennai - 600 002, the second respondent herein, inviting applications for the appointment to 209 posts of Sub-Inspector of Police (Technical) and quash the same, insofar as fixing the Minimum age criteria in item II as 20 years as on 01.07.2006 is concerned and thereby, direct the respondents herein to accept the petitioner's application dated 04.11.2008 for the above post.

2. The grievance of the petitioner in this Writ Petition is that the crucial date for fixing the age limit is first July of year in which Notification for recruitment is issued. Whereas, in the present case, the petitioner's complaint is that the Notification was issued in the year 2008 fixing the minimum age criteria as 01.07.2006 i.e. two years prior to the Notification.

3. When the matter is taken up for hearing, the learned Government Advocate (Civil) appearing for the respondents would submit that as per the direction of this Court, the petitioner was permitted to write the examination and he secured 39 marks, whereas, cut off mark was 41. Therefore, he was not selected. Insofar as the petitioner is concerned, he is permitted to write the examination regardless of the age criteria fixed by the respondent. However, the larger question of law is as to whether the age criteria shall be taken as first July of the year in which Notification is issued or can it be fixed anterior to the date of the Notification? This Court leaves this question open for deciding it in an appropriate case. Insofar as this case is concerned, nothing survives for adjudication.

In view of the above, the Writ Petition is closed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Home Department,
Fort St.George, Chennai - 600 009.



2. The Chairman,
Tamilnadu Uniform Services Recruitment Board,
P.T.Lee, Chengalvarayan Nayakkar Trust,
II Floor, No.807, Anna Salai,
Chennai - 600 002.

+1 CC to The Government Pleader sr 31160.

W.P.No.27121 of 2008
and M.P.No.3 of 2008

SKY(CO)
SP(02/08/2021)