

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.6014, 6024, 6028, 6036 & 6039 of 2021 and
WMP Nos.6670, 6674, 6676, 6677, 6679,
6680, 6683, 6684, 6685 & 6686 of 2021
(Heard through VC)

E.Shanmugam ... Petitioner in W.P.No.6014 of 2021
D.Kanniappan ... Petitioner in W.P.No.6024 of 2021
R.Palani ... Petitioner in W.P.No.6028 of 2021
T.Nagarajan ... Petitioner in W.P.No.6036 of 2021
M.Satheesh ... Petitioner in W.P.No.6039 of 2021

-vs-

1. The Chairman,
Tamilnadu Generation and Distribution
Corporation Limited., (TANGEDCO)
Anna Salai, Chennai - 600 002.
 2. The Chief Engineer / Personnel,
Tamilnadu Generation and Distribution
Corporation Limited., (TANGEDCO),
Anna Salai, Chennai - 600 002.
- ... 1st & 2nd Respondents in all W.Ps.

The District Employment Officer,
Department of Employment and Training,
Kancheepuram, Kancheepuram District.

... 3rd Respondent in
W.P.Nos.6014, 6028 of 2021

The District Employment Officer,
Department of Employment and Training,
Tiruvallur, Tiruvallur District.

... 3rd Respondent in
W.P.Nos.6024, 6036 & 6039 of 2021

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, directing the 2nd respondent to call for the records pertaining to the Notification No.5/2020, dated 19.03.2020 which is revised as per press release No.14, dated 12.02.2021 for Direct Recruitment for the post of Field Assistant (Trainee) in Tamilnadu Generation and Distribution Corporation Limited., (TANGEDCO), Tamilnadu, and quash Para-4(A)(iii) which the age limit prescribed for apprenticeship candidates for the above

post and the petitioners' waiting period for employment at the office of the 3rd respondent to be taken into account for age relaxation and direct the 2nd respondent to permit the petitioners to apply for the above post.

For Petitioners
in all W.Ps : Mr.B.Gandhi

For Respondents
in all W.Ps : Mr.Karthik Rajan (for R1 and R2)

COMMON ORDER

These writ petitions have been filed, seeking to quash the Notification No.5/2020, dated 19.03.2020 which is revised as per press release No.14, dated 12.02.2021 for Direct Recruitment for the post of Field Assistant (Trainee) in Tamilnadu Generation and Distribution Corporation Limited., (TANGEDCO), Tamilnadu insofar as Para-4(A)(iii) is concerned, in which the age limit prescribed for apprenticeship candidates for the above post and the petitioners' waiting period for employment at the office of the 3rd respondent to be taken into account for age relaxation and consequently direct the 2nd respondent to permit the petitioners to apply for the above post.

2. The petitioners have completed 10th Standard (SSLC) in April 1994, April 1998, April 1998, April 1995, April 1995 respectively and registered their names in respective branch of employment Exchange Office. Apart from the above educational qualification, the petitioners have also completed ITI/ National Trade Certificate Course (Electrician). When there was a selection for apprenticeship training Course called for by the respondent TANGEDCO, the petitioners have applied for the said Course, undergone one year training and obtained the Certificate of apprenticeship. Thereafter, on 19.03.2020, TANGEDCO invites application for the post of Field Assistant (Trainee). It is the grievance of the petitioners that even though they have possessed prescribed educational qualifications and completed apprenticeship course in the respondents' Department, they were refraining from applying for the said post on the ground of age bar.

3. According to petitioners, in the eligibility criteria, the maximum age limit is fixed against the respective category as on 01.07.2019 and there is no upper age limit prescribed for those who have higher qualifications, more than the minimum educational qualifications, i.e., eligible for admission to College Courses in the Universities of State, which is highly contrary. Though the petitioners are above the age, than the age limit prescribed in the notification, they should be

considered for appointment in the said post as per paragraph 4 (iii) of the notification wherein it is stated that "in respect of Apprenticeship candidates, age relaxation will be allowed to the extent of the actual period of apprenticeship training", to those who have undergone Apprenticeship training and in the explanation, there is no upper age limit prescribed for those who have undergone apprenticeship training. Hence, the notification is held to be illegal and the same has to be interfered with insofar as the eligibility criteria is concerned.

4. The learned Standing counsel appearing for the respondents submitted that the explanation alone cannot be read in isolation, and the entire portion of the eligibility criteria should be read as a whole.

5. As rightly pointed out by the respondents that the explanation alone cannot be read in isolation and the entire eligibility criteria has to be read as a whole, more so, with regard to the apprenticeship training, the period of apprenticeship undergone by the petitioners has been treated to be excluded with the age fixed under the eligibility criteria and the same should be taken into account for the selection and appointment in the prescribed post. But, in the present case on hand, the petitioners have done Apprenticeship training for a period of one year and that even by excluding the one year training period, the petitioners are over aged, as per the eligibility criteria. For the sake of convenience, the eligibility criteria mentioned in the notification is given below of :

4. Eligibility Criteria:

A. Age (as on 01.07.2019):

Sl .N o.	Category of Candidates	Minimum Age (should have completed)	Maximum Age (should not have completed)
1	SC, SC(A), ST and Destitute Widows of all castes	18 years	35 years
2	MBC/DC, BCO, BCM	18 years	32 years
3	'Others' (i.e not candidates belonging to SC, SC (A), ST, MBC/DC, BC and BCMS)	18 years	30 years

Note:-

(1) For Differently Abled Persons:

Differently Abled Persons are eligible for age concession upto 10 years over and above the maximum age limit prescribed above.

(ii) For Ex-servicemen:

a. The maximum age limit is 53 years for the Applicants who belong to SCs, SC(A)s, STs, MBCs/DCs, BCs and BCMs.

b. The maximum age limit is 48 years for "others" (i.e.) Applicants not belonging to any of the above said categories.

c. The above concession will not apply to the Applicants those who have already been recruited to any class or service or category.

(iii) Apprenticeship:

In respect of Apprenticeship candidates, age relaxation will be allowed to the extent of actual period of apprenticeship training.

(iv) However the upper age limit prescribed in these Regulations shall not apply:-

a. to the appointment of a candidate belonging to any of the Scheduled Castes, Scheduled Tribes, Backward Classes, Most Backward Classes and Denotified Communities or destitute Widows of all castes to a category or post included in a class of service for which the Regulations prescribe a qualification lower than a degree of any University recognized by the University Grants Commission, if such candidate possesses a general educational qualification which is higher than the minimum general educational qualification (i.e., (1) A pass in the Secondary School Leaving Certificate Examination with eligibility for admission to college course of studies in the Universities in this State; or (2) A pass in the Secondary School Leaving Certificate Examination of this State) and he is otherwise qualified for appointment:

or

b. to the appointment to a post included in a class of service of a candidate belonging to any of the Scheduled Castes, Scheduled Tribes, Backward Classes, Most Backward 105 Classes and Denotified Communities or destitute widows of all castes who holds a degree of any University recognized by University Grants Commission, if the degree he/she holds is not lower than the degree, if any, prescribed for appointment to

such post and if he / she is otherwise qualified for appointment.

Explanation: "No upper age limit" shall mean that the candidates should not have completed 58 years of age either on the date of Notification or at the time of selection / appointment to the post.

6. Merely, because the petitioners have completed ITI or National trade Certificate Course (Electrician) and that they have registered themselves in the employment exchange, cannot be a ground to exclude themselves from the regular criteria and to extend the maximum age limit prescribed in the notification. It is for the Administration to decide the process of selection and appointment of candidates in a specific post and this Court cannot direct the administration to modify the notification and criteria, thereby not permitting the respondents to go head with the recruitment, unless and otherwise it is in violation of any of the contradictions of the Statute. This Court will not be in a position to interfere with the notification dated 19.03.2020 and this Court cannot tinker the notification and direct the respondents to increase the upper age limit and if it is done, even the candidates, who have not completed the minimum age would also knock at the doors of this Court to modify the conditions of the Notification and the purpose will not serve in such an event.

7. As there is no error in the notification and that the extract of the eligibility criteria in its entirety is very clear, this Court is not inclined to grant the relief sought for by the petitioners. Hence, these Writ Petitions are dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Deputy Registrar (CO)

True Copy

Sub-Assistant Registrar

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To

1. The Chairman,
Tamilnadu Generation and Distribution
Corporation Limited., (TANGEDCO)
Anna Salai, Chennai - 600 002.

2. The Chief Engineer / Personnel,
Tamilnadu Generation and Distribution
Corporation Limited., (TANGEDCO),
Anna Salai, Chennai - 600 002.

3. The District Employment Officer,
Department of Employment and Training,
Kancheepuram, Kancheepuram District.

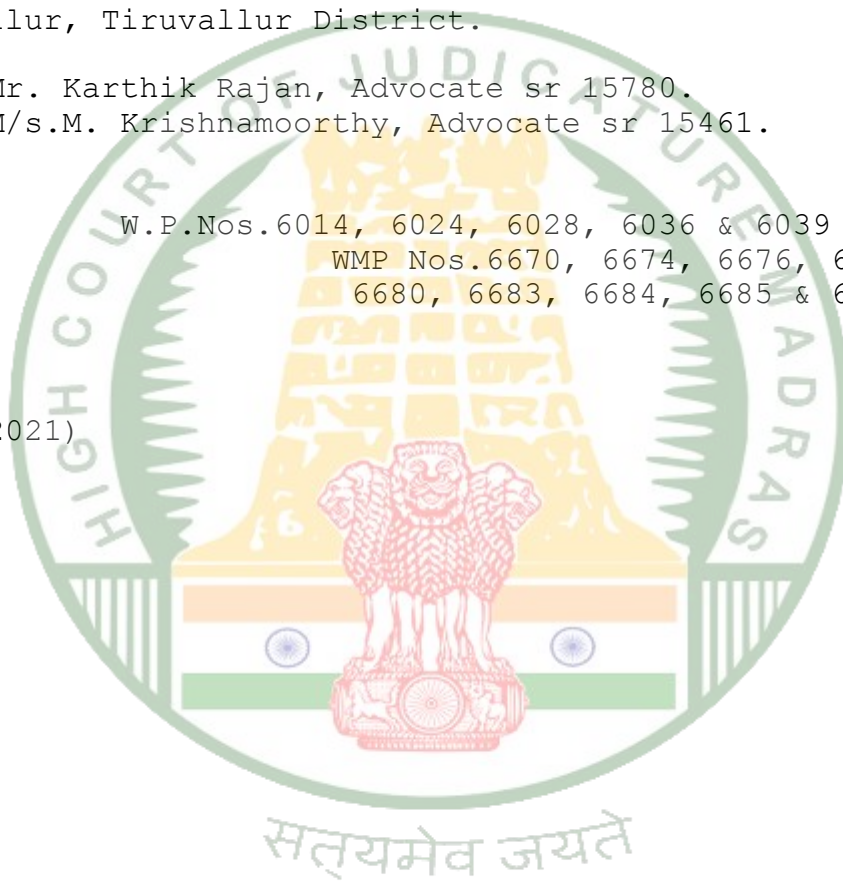
4. The District Employment Officer,
Department of Employment and Training,
Tiruvallur, Tiruvallur District.

+1 CC to Mr. Karthik Rajan, Advocate sr 15780.

+1 CC to M/s.M. Krishnamoorthy, Advocate sr 15461.

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SKY (CO)
SP(12/07/2021)



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