



WEB COPY

W.P.(MD) No. 14588 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14588 of 2021

and

WMP (MD) No.11522 of 2021

T.Inthuja,

... Petitioner

Vs.

- 1.The Secretary to government of Tamilnadu,
Labour and Employment Department,
Fort.St.George,
Chennai.
- 2.The District Employment Exchange Officer,
Employment Office,
Kokkirakulam,
Tirunelveli Distict.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Palayamkottai,
Thirunelveli District.
- 4.The Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Nellaiyappar Arultharum
Gandhimathi amman, Thirukovil,
Thirunelveli (Town)
Thirunelveli Distirct.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of **Writ of Mandamus**, directing the 2nd respondent to sponsor the petitioner name to the post of Kaniyachi which is notified by the 4th respondent and allow the petitioner to participate the selection process without insisting the age limit prescribed the The Tamil Nadu Hindu Religious Institutions Employees (conditions of service) Rules, 2020 and pass such other or further orders as this Court.

For Petitioner	:	Mr.D.Selva Nayagam
For Respondents	:	Mr.S.Shanmugavel, Standing Counsel for R1 to R2. Mr.S.Madhavan Standing Consel for R4.



O R D E R

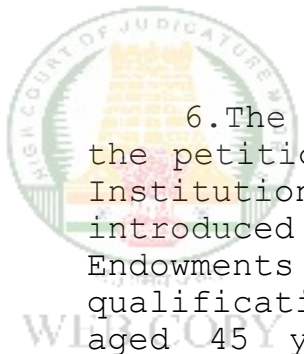
The petitioner has filed this writ petition seeking for a Writ of Mandamus directing the 2nd respondent to sponsor her name to the post of Kaniyachi, notified by the fourth respondent, and allow her to participate in the selection process without insisting the age limit.

2.In the affidavit filed in support of the writ petition, the petitioner has stated that she belongs to Devendra Kular Vellalar (Pallar) community, which comes under the category of Scheduled Caste. The petitioner was aged about 45 years at the time of filing this petition. The petitioner has studied up to SSLC, though she has not passed the said exam. The petitioner has registered her name with the second respondent employment exchange in the year 1996. It is the case of the petitioner that for the past 21 years, the second respondent has not sponsored her name even once. The petitioner made a representation to the second respondent to sponsor her name for the post of cook in the Adi Dravidar Welfare Hostel. The same was not considered, which resulted in filing a writ petition before this court in WP (MD) No.8669 of 2017 and the same was disposed of by this court on 28.04.2017 with a direction to the respondents to consider and dispose of the representation within a period of eight weeks. However, according to the petitioner, the said order was not complied with.

3.In the meanwhile, the fourth respondent issued a notification inviting applications to fill up the single post of Kaniyachi. The petitioner applied for the same on 03.08.2021. The petitioner has also made a representation to the respondents 1 and 2 to sponsor her name to the said post. However, the second respondent replied on 07.07.2021 that the petitioner's name could not be sponsored as she is over-aged.

4.According to the petitioner, as per G.O.Ms.No.21. Labour and Employment Department, dated 02.02.2020, the petitioner is entitled for age relaxation up to five years. The petitioner contends that Section 20(8)(i) as well as the 1st proviso to section 65 of the Tamil Nadu Government Servants (Conditions of service) Act, 2016 provides for age relaxation and therefore, the petitioner claims that she is eligible to participate in the selection process.

5.The fourth respondent has filed a counter affidavit, in which it is stated that the notification itself prescribes the maximum age eligibility between 18 years to 35 years and the writ petitioner is now aged 45 years. Therefore, as per Rule 7 of the Tamil Nadu Hindu Religious Institutions Employees (Conditions and Service) Rules, 2020, the writ petitioner is not entitled for applying for the recruitment in the respondent temple, in which there is no provision available for granting the age relaxation for 10 years.



6.The writ petition has to be rejected on the sole ground that the petitioner is grossly over-aged. The Tamil Nadu Hindu Religious Institutions Employees (Conditions and Service) Rules, 2020, introduced by way of G.O.Ms.No.114, Tourism, Culture and Religious Endowments (RE4/2) dated 03.09.2020 and Rule 7 prescribes the qualification of maximum age as 35 years. But the petitioner is now aged 45 years. There is a huge age difference of ten years. Therefore, on considering the said fact and in the absence of rules for age relaxation, this Court finds no merit in the contention of the Writ Petitioner and consequently the Writ Petition is liable to be rejected.

7.In the result, the writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

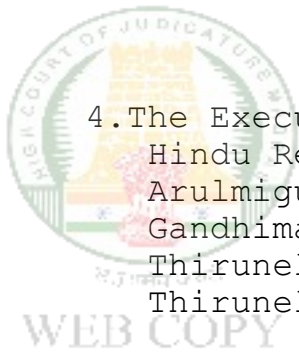
Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to government of Tamilnadu,
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+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-27669[F] dated 31/08/2021)

+1 CC to M/s.GP (SR-27764[F] dated 01/09/2021)

W.P. (MD) .No.14588 of 2021
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RS/PM (29.10.2021) 4P 7C