



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.22179 of 2021

and

WMP(MD)Nos.18746 and 18747 of 2021

K.S.Sivanath Babu

... Petitioner

vs.

The Registrar (General),
High Court of Madras
Chennai 600 104.

... Respondent

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the online impugned order of the respondent dated 29.11.2021 published in the website in so far as rejecting the petitioner as 'Age Barred', quash the same and consequently direct the respondent herein to consider and appoint the petitioner as Night Watchman giving age relaxation.

For Petitioner : Mr.K.Appadurai
For Respondent : Mr.D.Sivaraman

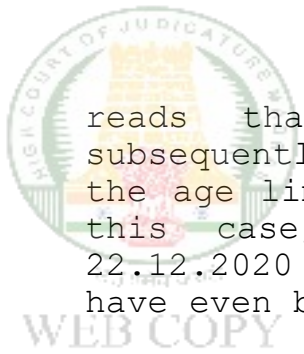
ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petitioner, who is the erstwhile employee of the Principal District Court, Theni, as a Night Watchman, has preferred the writ petition, to set aside the impugned order, so far as he is concerned, rejecting his application as 'age barred'.

2. The petitioner belongs to Backward Class and he was appointed as a Night Watchman in the Principal District Court, Theni, on 22.12.2020. The original appointment was later extended till 30.11.2021, on which date, he was terminated. In the meanwhile, a recruitment notification for selection of basic servants, was called for by the respondent on 18.04.2021. The applications were made online. As per the notification, as on 01.07.2021, a B.C candidate should not have crossed 32 years of age.

3. The claim of the writ petitioner is that his candidature was rejected on the ground that he is age barred and he placed reliance on the relaxation given in Explanation (vi) to Clause 4 of the Notification No.101/2021, dated 18.04.2021. The said clause



reads that an employee who was appointed temporarily and subsequently terminated, can make an application, provided, he had the age limit on the date of original appointment. Admittedly, in this case, when the petitioner was appointed originally on 22.12.2020 itself, he was above 32 years. Therefore, he could not have even been appointed as a temporary staff.

4. Be that as it may, now admittedly, he has reached the age of 36 years. Though the Explanation (vi) states that the upper age limit is not applicable to the temporary employees, who were terminated, the pre-condition is that on the date of his temporary appointment, he should have been within the age limit prescribed. When the petitioner admittedly does not qualify within the age limit prescribed in the notification, he has been rightly rejected by the respondent on the ground of 'age barred'. The mere fact that he was allowed to participate in the examination both written and practical, will not automatically entitle him for an appointment, as he is disqualified after the certificate scrutinization.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Registrar (General),
High Court of Madras
Chennai 600 104.

+1 CC to M/s.K.APPADURAI, Advocate (SR-38986[F] dated 16/12/2021)

+1 CC to M/s.D.SIVARAMAN (SR-39083[F] dated 16/12/2021)

ORDER MADE IN
W.P(MD)No.22179 of 2021
DATED : 15.12.2021

NSN (CO)

GC(29.12.2021) 2P 4C