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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.9196 of 2014
and
M.P.Nos.1 and 2 of 2014

V.Kannan

...Petitioner

-Vs-

1.Tamilnadu Water Supply and Drainage Board,
Rep. by its Board of Director,
31, Kamarajar Salai, Chepauk,
Chennai - 600 005.

2.The Managing Director,
Tamilnadu Water Supply and Drainage Board,
Rep. by its Board of Director,
31, Kamarajar Salai, Chepauk,
Chennai - 600 005.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent relating to the proceedings dt.19.3.2014 bearing reference Proc.No.8597/RS/A2/2013 quash the same and consequently direct the respondents 1 & 2 to restore/continue the petitioner in the post of Assistant Engineer as per the appointment order dt.21.02.2014 if necessary by granting age relaxation pay all salary and other service benefits on par with the other Assistant Engineers appointed with the petitioner which he would have got had the impugned order not being passed.

For Petitioner : Mrs.R.Raji
for Mr.Saravana Kumar

For Respondents : Mrs.S.Shakila Bhanu (for R1 & R2)



O R D E R

The order dated 19.03.2014, cancelling the appointment order issued by the respondents in proceedings dated 21.02.2014, is under challenge in the present writ petition.

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2. The petitioner participated in the process of selection for appointment to the post of Assistant Engineer in TWAD Board. The petitioner registered his name in the employment exchange. Even in the affidavit filed in support of the writ petition, the petitioner has stated that his date of birth has been correctly mentioned as 21.06.1976 in all the certificates.

3. The name of the writ petitioner was sponsored through the District Employment Exchange for selection to the post of Assistant Engineer in TWAD Board. During the relevant point of time, the petitioner was working in Oman and he produced all the certificates to the respondents for verification.

4. The petitioner himself noticed that in the ID Card, his year of birth was mentioned as 1979 instead of 1976. The petitioner brought to the notice of the respondents by stating that it was a typographical error and the same may be corrected at a later point of time. However, the authorities found that in the SSLC certificate and in the Higher Secondary Course certificate, the date of birth of the petitioner was entered as 21.06.1976.

5. When the school records establishes the date of birth of the writ petitioner as 21.06.1976, the same has to be taken into account for the purpose of deciding the age limit for the selection and appointment for the post of Assistant Engineer. As per the TWAD Board Service Regulations, the maximum age limit for appointment was 35 years, more specifically, as per Service Regulation 23-II(7) read with B.P.Ms.No.3 Estt.(Per.) Section dated 13.01.2011. As on the date of selection, the petitioner was over aged, as he had crossed 35 years of age.

6. Thus, the petitioner now cannot turn around and rely on other entries which were not considered during the time of selection. The competent authorities have rightly considered the school records of the writ petitioner, including SSLC book and Higher Secondary Course Certificate. As per the school records, the date of birth of the writ petitioner is 21.06.1976 and he had not corrected even otherwise during the relevant point of time. Now, after the length of so many years, the petitioner cannot correct such date of birth entered in the school records, without following the procedures as contemplated.



7. This being the factum, this Court do not find any infirmity in respect of the order impugned passed in proceedings dated 19.03.2014, as the petitioner was over aged at the time of his selection and the order of appointment was issued and subsequently, the age of the writ petitioner was found as he was over aged.

8. Recording the above observations, the Writ Petition stands dismissed. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

sha/ars

To

1.The Board of Director,
Tamilnadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chepauk,
Chennai - 600 005.

2.The Managing Director,
Tamilnadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chepauk,
Chennai - 600 005.

W.P.No.9196 of 2014

BP (CO)
PR (23/06/2022)