



W.P.No.4261 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4261 of 2016

and

W.M.P.Nos.3603, 3604 & 8038 of 2016

G.Mohan Raju

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by the Secretary to Government,
Highways Department,
Secretariat, Chennai – 600 009.

2. The Principal Director,
Highways & Rural Works Department,
Chepauk, Chennai – 600 005.

3. The Joint Director (Administration)
Office of the Principal Director (Highways),
Chepauk, Chennai – 600 005.

4. The Divisional Engineer,
Highways Department, NABARD
Village Road Division,
Salem – 636 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the rejection of the candidature of the petitioner as Age Barred published in the respondents



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Website, for selection / appointment to the post of Junior Draughting Officer in pursuance to the Notification / Advertisement No.12390/ Nir.5(1)/2014 dated 26.10.2015 issued by the 3rd respondent, as illegal, and to issue consequential direction to the respondents to regularize the service of the petitioner from the date of his initial appointment as Technical assistant (15.09.2003) and to consider his candidature for selection and appointment as Junior Draughting Officer and appoint him as such on par with his immediate junior with all consequential directions.

For Petitioner	: Mr.I.Kabilan For Mr.M.Ravi
For Respondents	: Mr.S.Bala Murugan Government Advocate

ORDER

The relief sought for in the present writ petition is to declare the rejection of the candidature of the petitioner as Age Barred published in the respondents Website, for selection / appointment to the post of Junior Draughting Officer in pursuance to the Notification / Advertisement No.12390/ Nir.5(1)/2014 dated 26.10.2015 issued by the 3rd respondent, as illegal, and to issue consequential direction to the respondents to regularize the service of the petitioner from the date of his initial appointment as Technical assistant (15.09.2003) and to consider his candidature for selection



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and appointment as Junior Draughting Officer and appoint him as such on par with his immediate junior with all consequential directions.

2. Admittedly the petitioner was over aged at the time of submitting application for selection to the post of Junior Draughting Officer, pursuant to the recruitment notification dated 26.10.2015.

3. It is not in dispute that the petitioner crossed the age limit at the time of submission of application, in response to the recruitment notification. However, the petitioner made a request to grant relaxation of age, enabling him to participate in the process of selection. Pursuant to the interim order granted by this Court, the petitioner participated in the process of selection. However, mere participation would not confer any right on the candidates.

4. Relaxation of age cannot be granted by the High Court in exercise of powers of judicial review under Article 226 of the Constitution of India. Once a recruitment notification is issued and age limit is fixed for submitting an application, such a condition regarding age, educational qualifications and other criterias are to be scrupulously followed and question of granting



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relaxation of qualifications would not arise at all.

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5. In the event of granting such age relaxation regarding qualification, which would result in opening up of pandora's box and every such ineligible candidates will seek such relaxation to participate in the process of selection, which will defeat the very purpose and object of prescribing age limit and other qualifications for selection and appointment. Thus, the power of relaxation is an exception and cannot be exercised in a routine manner. The power of relaxation conferred on the Government cannot be exercised for the purpose of favouring an individual to participate in the process of selection and appointment. The very object of power of relaxation is to ensure that the injustice, if any, caused to an individual or group of persons are removed and such a power has not been provided for the purpose of favouring an individual to participate in the process of selection.

6. In the present case, the petitioner was over aged at the time of notification and therefore, he is not eligible to participate in the process of selection. That being the factum, which is established, there is no other reason to consider the relief as such sought for in the present writ petition.



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7. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes

Speaking order

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Highways Department,
Secretariat, Chennai – 600 009.
- 2.The Principal Director,
Highways & Rural Works Department,
Chepauk, Chennai – 600 005.
- 3.The Joint Director (Administration)
Office of the Principal Director (Highways),
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S.M.SUBRAMANIAM, J.

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