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W.P.No.28576 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28576 of 2022

K.Arikrishnan

... Petitioner

Vs

1. State of Tamil Nadu,
rep. by Secretary,
Revenue Disaster Management,
Fort St.George,
Chennai - 600 009.

2. The Tahsildar,
Panruti Taluk,
Cuddalore District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to provide upper age limit relaxation to the petitioner under Section 20(8) of the Tamil Nadu Government Servants (Condition of Services) Act, 2016 for the recruitment of Village Assistants as called for by advertisement No.A3-3559-2022 dated 10.10.2022 issued by the 2nd respondent, consequently direct the respondents to design the online portal for application to provide the said upper age limit relaxation.



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For Petitioner ... Ms.M.Muthu Yazhini for Mr.K.Panjamurthy

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For Respondents ... Mr.N.Naveen Kumar,
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to provide upper age limit relaxation to the petitioner as per the provisions of Section 20(8) of the Tamil Nadu Government Servants (Condition of Services) Act, 2016 for the recruitment of Village Assistants as called for by advertisement dated 10.10.2022 issued by the 2nd respondent and consequently direct the respondents to design the online portal for application to provide the said upper age limit relaxation.

2. The petitioner has applied for the post of Village Assistant as per the aforementioned notification. He belongs to Scheduled Caste category. He is aged 37 years. According to the petitioner, he has studied 10th standard and his qualification is higher than the basic qualification required under the notification namely, 5th standard. According to the petitioner, the upper age limit fixed under the Notification will not apply to his case since he applied under the Scheduled Caste category. Section 20(8) of the Tamil



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Nadu Government Servants (Condition of Services) Act, 2016 makes it clear that there is no upper age limit for Scheduled Caste category.

3. Section 20(8)(i) of the Tamil Nadu Government Servants (Condition of Services) Act, 2016 reads as follows:

"20. Qualifications-

(1).....

(2).....

....

....

(8) The maximum age limit prescribed in the special rule shall not apply -

(i) to the appointment of a candidate belonging to any of the Scheduled Castes, Scheduled Tribes, Backward Classes, Backward Class Muslims, Most Backward Class or De-notified Communities or of destitute widows of all castes to a post included in a service for which the special rules prescribe a qualification lower than a degree of any University recognised by the University Grants Commission, if such candidate possesses a general educational qualification which is higher than that referred to in sub-section (1) and he is otherwise qualified for appointment; or"

4. Though under the notification, calling for aspirants for the post of



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Village Assistants, the upper age limit has been fixed as 37, Section 20(8) of the Tamil Nadu Government Servants (Condition of Services) Act, 2016, extracted supra, makes it clear that if an aspirant is applying under the Scheduled caste category, the upper age limit criteria shall not apply. The petitioner contends that he had attempted to submit his application on 12.10.2022 as per the notification, but the online portal did not accept his application, as it was not designed to provide upper age relaxation as provided under the Act. Since the petitioner is eligible to apply as per the provisions of Section 20(8) of the Tamil Nadu Government Servants (Condition of Services) Act, 2016, he should not be deprived of his right just because of the fact that the online portal was not designed to accept his application as per the provisions of Section 20(8) of the Tamil Nadu Government Servants (Condition of Services) Act, 2016. No prejudice would be caused to the respondents, if the petitioner is allowed to submit his application seeking for the post of Village Assistant as per the recruitment notification dated 13.09.2021 in G.O.Ms.No.91 under the scheduled caste category.



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5. Accordingly, this Writ Petition is disposed of by directing the 2nd respondent to accept the petitioner's application seeking for appointment as a Village Assistant, pursuant to G.O.Ms.No.91 dated 13.09.2021 and process the said application on merits as per G.O.Ms.No.91 dated 13.09.2021. The petitioner shall submit the application in physical form on or before Monday (07.11.2022) and the 2nd respondent shall accept the said application and process the same along with other aspirants as per G.O.Ms.No.91 dated 13.09.2021. No costs.

04.11.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
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Note:

Registry is directed to upload
order copy today (04.11.2022)

To

1. State of Tamil Nadu,
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Revenue Disaster Management,
Fort St.George, Chennai - 600 009.
2. The Tahsildar, Panruti Taluk,
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ABDUL QUDDHOSE, J.

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