



W.P.(MD)No.9502 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.12.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No. 9502 of 2020**

**and**

**W.M.P.(MD)No.8576 and 8577 of 2020**

V.Agni Pandian

... Petitioner

Vs.

1.The Union of India

Represented by its Secretary ,  
Ministry of Home Affairs Department,  
New Delhi.

2.The Secretary to The Government of Tamil Nadu,  
Public Works Department ( PWD),  
St.George Fort,  
Chennai - 600009

3.The District Collector

Tirunelveli District,  
Tirunelveli

... Respondents



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**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Recruitment Notification in Na.Ka.No.Ink13/2373/2020, dated 27.01.2020 issued by the 3rd Respondent and quash the same as illegal and consequently direct the 3rd Respondent to re-fix the age criteria in Column No.4 of the Impugned Notification that too only in respect of General Turn (Ex-Serviceman) Quota as mentioned in Column No.6, by giving Special Relaxation for Ex-Serviceman.

For Petitioner : Mr.P.M.Vishnuvarthanan  
For Respondents : Mr.S.Ragaventhre - for R1  
Central Government Standing Council  
Mr.S.P.Maharajan - for R2 & R3  
Special Government Pleader

### **ORDER**

This writ petition has been filed to quash the Impugned Recruitment Notification in Na.Ka.No.Ink13/2373/2020, dated 27.01.2020



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issued by the 3rd Respondent and consequently direct the 3rd Respondent to re-fix the age criteria in Column No.4 of the Impugned Notification that too only in respect of General Turn (Ex-Serviceman) Quota as mentioned in Column No.6, by giving Special Relaxation for Ex-Serviceman.

2. The learned counsel for the petitioner submitted that the petitioner is an Ex-service man, joined Indian National Army in the year 2002 and he completed full service and retired from service in the year 2019 with a total service period of 17 years and the petitioner is eligible for pension and he is also receiving the same. Whiles, the third respondent had issued the impugned recruitment notification dated 27.01.2020 calling for the post of Road Inspector with the pay scale for Rs.19500 - 62000 and the last date for submitting the application is on 25.02.2020, for 24 vacant posts. As per the above said notification, strange condition was imposed in Column No.4 at the age restriction i.e., one should complete 35 years as on 01.07.2020, is eligible to participate the selection process for the post of Road Inspector reserved for BC General Turn Ex-Serviceman post. Challenging the impugned notification the present writ petition is filed.



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3. The learned counsel for the petitioner submitted that admittedly, the BC General Turn one post is allotted to the Ex-Serviceman category and unless the person has completed 17 years of full service, they are not allowed to retire from the department. Hence, the petitioner being a Ex-Serviceman retired from service debarring him to participate in the selection process by fixing the age limit of 35 years, which is not sustainable one. Hence, he prayed for allowing the writ petition.

4. The learned Special Government Pleader appearing for the respondents submitted that in the impugned notification, age limit of 35 is fixed, based on G.O.(D) Ms.No.284, Rural Development and Panchayat (E3) Department, dated 30.05.2012 and G.O.(S) No.152, Rural Development and Panchayat (E3) Department, dated 26.03.2012, wherein, the said Government order makes it clear that "No person shall be appointed if he/she has completed 40 years of age on the first day of July of the particular year in which the selection for appointment to the post of Road Inspector Grade II is made" and subsequently, substituted "No person shall



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be appointed if he / she has completed 35 years of age on the first day of July of every year in which the selection for appointment to the post of Road Inspector Grade II is made." In view of the above Government Orders, it is necessary for the respondents to fix the age limit in the present notification including Ex-Serviceman category and the petitioner did not challenge the Government Orders, but he was challenging the notification is not sustainable one. Hence, he prayed for dismissal of the writ petition.

5. Heard, the learned counsel on either side.

6. Admittedly, the petitioner is an Ex-Serviceman and after retirement, he participated in the selection process for the post of Road Inspector Grade-II. However, in the notification the age limit is fixed as 35 years. Aggrieved by the same the present writ petition is filed. As rightly submitted by the learned Special Government Pleader that the age limit is prescribed in the present notification is based on G.O.(D) Ms.No.284, Rural Development and Panchayat (E3) Department, dated 30.05.2012 and G.O.(S) No.152, Rural Development and Panchayat (E3) Department, dated



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26.03.2012. Unless the petitioner challenges the original Government Orders, in which, they prescribed the age limit, the petitioner is not entitled to challenge the consequential notification and hence, the prayer sought for by the petitioner in the present writ petition cannot be granted.

7. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

**20.12.2022**

Index : Yes / No

Speaking Order : Yes / No

RM



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1. The Union of India  
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2. The Secretary to The Government of Tamil Nadu,  
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**M.DHANDAPANI,J.**

RM

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