



W.P.(MD)No.4224 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.4224 of 2017

and

W.M.P.(MD)Nos.3367 and 3368 of 2017

P.Sathiya

... Petitioner

vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Home (Police) Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Committee,
Chennai- 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned G.O. issued by the 1st respondent in G.O.Ms.No.1357, Home (Police.VI) Department, dated 03.10.2008, to quash the same and consequently, to



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direct the respondents to permit the petitioner to participate in the selection process to the post of Grade-II Police Constable (Armed Force) notified by the 2nd respondent under "Tamil Nadu Uniformed Service Selection Committee, Grade-II Police (District & Town Armed Force-Men- Women & Third Sex) Grade II Police (Tamil Nadu Special Police Force Men), Grade-II Prison Police (Men & Women) & Fire Service (Men) Post General Selection-2017 (Selection Mark No.1), Advertisement No.117" published in the Tamil Daily "Dinathanthi", dated 23.01.2017.

For Petitioner : No appearance
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned G.O. issued by the 1st respondent in G.O.Ms.No.1357, Home (Police.VI) Department, dated 03.10.2008 and consequently, to direct the respondents to permit the petitioner to participate in the selection process to the



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post of Grade-II Police Constable (Armed Force) notified by the 2nd respondent under "Tamil Nadu Uniformed Service Selection Committee, Grade-II Police (District & Town Armed Force-Men- Women & Third Sex) Grade II Police (Tamil Nadu Special Police Force Men), Grade-II Prison Police (Men & Women) & Fire Service (Men) Post General Selection-2017 (Selection Mark No.1), Advertisement No.117" published in the Tamil Daily "Dinathanthi", dated 23.01.2017.

2. The claim of the writ petition is that the date of age limit, that is prescribed in the notification is erroneous. Since the notification was issued on 23.01.2017 that date should be taken into consideration. The petitioner has not stated any sustainable legal ground to interfere. When the notification specifically states that as on 01.07.2017, the candidate should have completed 18 years of age, that too it is specifically stated that as on 01.07.1999, the candidate should have born on 01.07.1999 or prior to that date. When the notification



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specifically prescribes the date as cutoff date, that date would prevail. If the notification is not stating any such cutoff date, then the date of notification will be taken into account.

3. In the present case, when the notification specifically prescribes a cutoff date, that would prevail and the case of the petitioner cannot be considered. This issue was already considered by this Court in W.P.(MD)Nos.2455, 4574 and 4960 of 2017, dated 25.04.2017 and the relevant portion of the order is extracted here under:

“10. In view of the principles of law reiterated by the Hon'ble Supreme Court and the Rule 14(1) and Annexure II of Tamil Nadu Police Subordinate Service Rules, this Court is not inclined to accept the case of the petitioners. As pointed out by the Hon'ble Supreme Court and this Court earlier, when it is a policy decision of the Government and the Recruitment Agency to fix the cut-off date having regard to the various considerations, the Court is expected to observe judicial restraint and cannot interfere casually merely because some inconvenience is caused to individuals. Hence, all the Writ Petitions are dismissed. However, there is no order as to costs. Consequently, connected W.M.P.(MD)Nos.2078 & 2079, 3652 & 3553 and 3998 to 4000 of 2017 are closed. “



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4. When the recruitment authority has followed certain conditions by his prescribed date in the impugned notification, which is a policy decision of the Government, the same cannot be interfered with. Hence, the petitioner has not raised any sustainable legal grounds. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

15.11.2022
(6/6)

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To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Home (Police) Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Committee,
Chennai- 600 008.



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S.SRIMATHY, J

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