



WEB COPY



W.P. No.18372 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM:
THE HON'BLE MR. JUSTICE S. VAIDYANATHAN
and
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.18372 of 2023 & W.M.P. No.17574 of 2023

P. Ranjith Kumar

Petitioner

v

1 The Commissioner
Tamil Nadu Public Service Commission
Chennai 600 001

2 The Secretary
Law Department
Secretariat
Chennai 600 009

3 High Court of Madras represented by
the Registrar General
High Court Buildings
Chennai 600 104

Respondents

(R3 *suo motu* impleaded as R3 on 11.07.2023)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to remove the age limit for selection to the post of Civil Judge in Notification No.12 of 2023, Advertisement No.661 dated 01.06.2023.

For petitioner
For R1

Mr. D. Nellaiappan
Mr. R. Bharanidharan
Standing Counsel

For R2

Mr. T. Arun Kumar
Additional Government Pleader

For R3

Mr. B. Vijay
Standing Counsel



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ORDER

This writ petition has been filed seeking a writ of mandamus directing the first respondent to remove the age limit for selection to the post of Civil Judge in Notification No.12 of 2023, Advertisement No.6661 dated 01.06.2023.

2 At the outset, it is to be pointed out that though the petitioner has not impleaded the Registrar General of this Court as a party to this writ petition, since Mr. B. Vijay, learned Standing Counsel, advanced arguments on behalf of the Madras High Court, this Court *suo motu* impleaded the Madras High Court, represented by the Registrar General, as the third respondent.

3 According to the petitioner, he is a practising Advocate, aged 43 years and he is a Civil Judge aspirant; earlier, when the notification was issued for the post of Civil Judge, no upper age limit was fixed; whereas, in the present notification, since upper age limit has been fixed, he becomes ineligible to apply for the said post and hence, this writ petition seeking the aforesaid relief.

4 Be it noted, the petitioner cannot seek removal of age limit when the Rules governing the selection of Civil Judges, *viz.*, the Tamil Nadu State Judicial



Service (Cadre & Recruitment) Rules, 2007, has been amended prescribing the maximum age limit as 37 years, in case of general category, and 40 years, in case of reserved category, as on 1st July of the year in which vacancies in the post are notified. Admittedly, on the date of the notification, *i.e.*, 01.06.2023, the amendment was very much there which was effected *vide* G.O. (Ms.) No.194, Home (Courts-I) Department dated 24.04.2023. Whereas, this writ petition was filed only on 16.06.2023. In other words, even before the filing of this writ petition, the aforesaid amendment had come into effect.

5 The main contention of the petitioner is that when the upper age limit for general category has been fixed at 40 years in Puducherry and candidates can be posted / transferred from Tamil Nadu to Puducherry, which would amount to discrimination, as, in Puducherry, the upper age limit for reserved category is 45 years and in Tamil Nadu, it is only 42 years.

6 We are not inclined to delve into the said contention in this writ petition for the following reasons. Firstly, the time limit prescribed in the notification for accepting applications, has already expired and thus, the issue has become purely academic. Secondly, the Tamil Nadu State Judicial Service (Cadre & Recruitment) Rules, 2007, which was amended on 24.04.2023, has not been put



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to challenge. Hence, leaving the issue as to whether there is discrimination or not, open, this writ petition is dismissed, sans costs. Connected W.M.P. is closed.

(S.V.N., J.) (K.R.S., J.)
11.07.2023

cad

To

- 1 The Commissioner
Tamil Nadu Public Service Commission
Chennai 600 001
- 2 The Secretary
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- 3 The Registrar General
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