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WP No.25246 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WP No.25246 of 2023

Binisha P.T.

...

Petitioner

versus

- 1.Union of India,
Represented by its Secretary to Government
(Education),
Chief Secretary,
Puducherry.
- 2.Secretary to Government (Education)
Government of Puducherry,
Puducherry-650001.
- 3.The Director of School Education,
Directorate of School Education,
Government of Puducherry,
Puducherry-605001.
- 4.The Regional Administrator and District
Project Officer,
District Project Office,
Samagra Shiksha,
Mahe-673310.



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5. The Registrar,
Central Administrative Tribunal,
Chennai Branch,
Chennai- 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, to call for the records relating to order passed in O.A.No.676 of 2023 dated 23.08.2023 passed by the fifth respondent and to quash the same and to direct the respondents to permit petitioner to participate in the walk-in-selection to be held on 25.08.2023 for the post of Lecturer (History) pursuant to the Notification dated 14.08.2023, subject to orders passed in her representation dated 19.08.2023 seeking relaxation of age and all other consequential benefits.

For Petitioner : Mr.Y.Kavitha

For Respondents : Mr.Syed Mustafa
Special Government Pleader
for respondent Nos.1 to 4
R5-Tribunal

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

The petitioner has filed this writ petition challenging the order passed by the fifth respondent/Central Administrative Tribunal in O.A.No.676 of 2023 dated 23.08.2023.

Brief facts of the case

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2. It is the case of the petitioner that she made an application dated 24.10.2013 for the post of Resource Teacher/Trained Graduate Teacher in SSA, Mahe Region. However no interview was conducted. Subsequently, a notification dated 14.08.2023 was issued inviting applications for the post of primary school teacher, trained graduate teacher and lecturer (history) for Government School in Maher Region. The petitioner is an OBC candidate and the upper age limit for OBC candidates is 30 years as on 25.08.2023. The petitioner herein is 44 years and fully qualified. Due to non-selection of candidates from the year 2006, she was unable to secure employment as Lecturer although she was qualified in the year 2006 itself and was within the age limit. While so, on 14.08.2023, a notification was issued by the second respondent for the walk-in-selection to be held on 25.08.2023 for the various posts including the post of Lecturer (History) and as per the notification the candidates should not exceed 30 years as on 25.08.2023, which is relaxable for OBC etc. in accordance with instructions/orders by the Government of India from time to time. Therefore, the petitioner has made a representation dated 19.08.2023 to the Lieutenant Governor, Puducherry for granting age relaxation. The said representation is still pending. Therefore, she has



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approached the Central Administrative Tribunal/fifth respondent by filing O.A.No.310/0676/2023 seeking an interim relief to direct the first respondent to permit the petitioner to participate in the walk-in-selection to be held on 25.08.2023 for the post of Lecturer (History) pursuant to the notification dated 14.08.2023 issued by the second respondent, subject to orders passed in her representation dated 19.08.2023. The Tribunal, by order dated 23.08.2023, has rejected the interim relief as sought for by the petitioner on the ground that the petitioner was born in Kerala and completed her studies in Kerala and migrant in Mahe belongs to State of Kerala in the said O.B.C. category and though powers have been given to the Lieutenant Governor but cannot be used for granting 14 years of age relaxation, as this would affect other candidates who are within age limits. Aggreived by the said order dated 23.08.2023, passed by the Tribunal, the petitioner has filed the present writ petition before this Court.

3. According to the petitioner, no prejudice would be caused to the respondents by permitting the petitioner to participate in the said walk-in-selection to be held on 25.08.2023 for the post of Lecturer (History).

4. Mr.Syed Mustaga, learned Special Government Pleader, takes



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notice for the respondent Nos.1 to 4.

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5. Learned counsel for the petitioner, submits that the age of the petitioner is 44 years and as per the notification dated 14.08.2023, issued by the second respondent, the cut off age limit is 30 years. Therefore, the petitioner has made a representation dated 19.08.2023 before the Lieutenant General for age relaxtation and the same is still pending. Therefore, pending disposal of the said representation, the petitioner has to be permitted to participate in the walk-in-selection.

6. The Special Government Pleader appearing for the respondent Nos. 1 to 4 strongly objected that by merely making a representation for granting age relaxation does not satisfy the eligibility criteria and if such applications are entertained, large number of people will seek similar relief.

7. We have carefully gone through the submissions made by the learned counsel for the petitioner and learned Special Government Pleader for the respondent Nos.1 to 4 and perused the order passed by the Tribunal.

8. We are of the view that the said contention of the learned



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Special Government Pleader for the respondents that merely making a representation for age relaxation would not satisfy the eligibility criteria and entertainment of such application would result in large number of applications with similar relief, is perfectly valid and accordingly we are not interfering with the order dated 23.08.2023 passed by the Tribunal. The writ petition stands dismissed. There will be no order as to costs. Consequently, WMP No.24659 of 2023, is closed.

[D.K.K., J.] [P.B.B., J.]
24.08.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

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