



W.P.No.17909 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17909 of 2017
and
W.M.P.Nos.19441 of 2017
and 1858 of 2018

Rajakumari

... Petitioner

Vs.

1.The District Collector,
O/o.District Collector,
Cuddalore District,
Cuddalore,

2.The Tahsildar,
Revenue Department,
Taluk Office,
Virudachalam,
Cuddalore District – 606 001.

3.The Employment Officer,
Employment Office,
Cuddalore.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the Notification Na.Ka.No.Aa1/3602/2017 dated 30.06.2017 by the 2nd respondent and quash the same insofar as it relates to the upper of the SC Community is concerned.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the Notification Na.Ka.No.Aa1/3602/2017 dated 30.06.2017 by the 2nd respondent and insofar as it relates to the upper of the SC Community is concerned.

2.The learned counsel for the petitioner would submit that the petitioner belongs to SC (Adidravidar) community. She failed in SSLC and registered her name in the employment office in 1997. She married one Palanivel in 2003. Further, she is renewing her employment registration upto date. The 2nd respondent issued advertisement notice for appointment as Village Assistant through employment office. The petitioner is living at



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Kargudal Village within the jurisdiction of Virudachalam Revenue Taluk.

The 2nd respondent issued a notice dated 30.6.2017 inviting applications for ten vacancies and fixed the upper age limit for the SC candidate is 35 years.

The petitioner applied for the said post on 8.7.2017 for Ko.Adhanur Village.

The said Ko.Adhanur Village is about 2 km from her village. Therefore, the petitioner should be given preference by giving relaxation in the upper age limit. Hence, this Writ Petition.

3.The learned Additional Government Advocate appearing for the respondents would submit that the petitioner is not eligible for the said post and the Tamil Nadu Village Servants Service Rules, 1980, relied upon by the petitioner is not applicable.

4.On perusal of the records, it is seen that the petitioner belongs to SC (Adidravidar) community. She registered her name in the employment office in 1997. She is living at Kargudal Village within the jurisdiction of Virudachalam Revenue Taluk. The 2nd respondent issued notification for the



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appointment of Village Assistants and the upper age limit for the SC candidate is 35 years without following the Tamil Nadu Village Servants Service Rules, 1980.

5.Rule 8 is the general qualification relating to age.

(1)No person shall be eligible to the post of a Village Servant, unless he has completed the age of 21 years and has not completed the age of 40 years on the date noticed as the last date for the receipt of the application.

Provided that in case of candidates belonging to the Scheduled Caste and Scheduled Tribes, the upper age limit shall be 45 years.

6.As per the said rule, the petitioner is entitled to apply to the said post. The date of birth of the petitioner is 20.04.1977. At the time of Notification, the age of the petitioner is 39 years. Now she is 46 years old. Therefore, the petitioner is not eligible for the said post. The petitioner is being a widow her case has to be considered. As per notification, applications were invited and the selection process is over. The Writ Petition



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was admitted and the rule nisi was issued and no Stay has been granted.

Therefore, the case of the petitioner has to be considered for any post. The petitioner has registered her name in the Employment Exchange.

7.The petitioner is being a widow and also having three children the Authorities are directed to consider the case of the petitioner without any age restriction in any post if the petitioner is eligible. Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

10.11.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

1.The District Collector,
O/o. District Collector,
Cuddalore District,
Cuddalore,

2.The Tahsildar,
Revenue Department,

5/7



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Taluk Office,
Virudachalam,
Cuddalore District – 606 001.

3.The Employment Officer,
Employment Office,
Cuddalore.



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V.BHAVANI SUBBAROYAN, J,

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