



W.P.(MD)No.1962 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1962 of 2023

and

W.M.P.(MD)Nos.1733 and 1742 of 2023

C.Priya

... Petitioner

Vs.

1.The Director of Collegiate Education,
College Road, Chennai-600 006.

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai-600 034.

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.

4.The Secretary
Sri Devi Kumari Women's College,
Kuzhithurai Post
Kanniyakumari District.

5.The Principal,
Sri Devi Kumari Women's College,
Kuzhithurai Post
Kanniyakumari District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notification dated 10.01.2023 (vide proceedings in Va.Aa.No.12/Sae.Ma.Tho.A/Ka.Ku dated 09.01.2023) issued by the fourth respondent, quash the same in so far as prescribing the age limit as 32 and 37 for General Category and SC (Arunthiyar) Category respectively for the post of Office Assistant in the fourth respondent college and further direct the fourth respondent to permit the petitioner to participate in the recruitment/selection process for the post of Office Assistant in the fourth respondent college for the year 2023, in the light of the order of this Court dated 16.08.2022 in W.P.(MD)No.12491 of 2022.

For Petitioner	:	Mr.T.Cibi Chakraborty
For R1 & R3	:	Mr.J.Ashok
		Additional Government Pleader
For R2	:	Mr.R.Rajendran
For R4 & R5	:	Mr.V.Sathya Singh

ORDER

This writ petition has been filed challenging the impugned Notification dated 10.01.2023, issued by the fourth respondent and to quash the same in so far as prescribing the age limit as 32 and 37 for General



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Category and SC (Arunthiyar) Category respectively for the post of Office Assistant in the fourth respondent College and further direct the fourth respondent to permit the petitioner to participate in the recruitment/selection process for the post of Office Assistant in the fourth respondent College for the year 2023, in the light of the order of this Court dated 16.08.2022 in W.P.(MD)No.12491 of 2022.

2. The case of the petitioner is that she is working as Office Assistant under the self finance section of the fourth respondent College. She belongs to Scheduled Caste community. The College is administered by the Department of Hindu Religious and Charitable Endowment. While so, one post of Office Assistant fell vacant due to promotion of one C.Kamalan as Library Assistant in the year 1991 and another post of Office Assistant fell vacant due to retirement of one N.Sundaresan in the year 1992 and another post fell vacant due to retirement of one Gopalakrishnapillai in the year 1993. The fourth post of Office Assistant fell vacant due to promotion of one P.Sarasam as Library Assistant in the year 2008. Hence, the respondents 4 and 5 appointed one Ms.Rajyam in the year 2008 under the



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self financed section in the year 2008. But soon after her retirement, she left the College. Therefore, the petitioner was appointed as Office Assistant in the year 2009.

3. It is the further case of the petitioner that on 12.01.2021, the first respondent issued a proceedings by which permission was granted to fill up 12 non-teaching posts under aided section, amongst which two posts were Office Assistants. Immediately, on 10.02.2021, the petitioner has sent a representation to the Secretary of the College, requesting him to appoint her in the regular / sanctioned post either as Office Assistant or any other post, considering the service rendered by the petitioner in the College since 02.03.2009. However, no order has been passed. Hence, the petitioner has filed a writ petition in W.P.(MD).No.3418 of 2021 before this Court, seeking direction to the fourth respondent to absorb her in the post of Office Assistant in the fourth respondent College. This Court, vide order dated 23.02.2021, disposed the writ petition, directing the respondents 2 and 4 to consider her representation, dated 10.02.2021. While so, the fourth respondent has issued the impugned proceedings dated 15.06.2021,



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rejecting the request of the petitioner. Challenging the same, the petitioner has filed a writ petition in W.P.(MD).No.12491 of 2022. This Court, by order dated 16.08.2022, directed the respondents 4 and 5 to permit the petitioner to participate in the selection process. Pursuant to which, the present impugned Notification has been issued by the fourth respondent on 10.01.2023, fixing the age limit as 32 and 37 for GT and SC (Arunthiyar) respectively. Since the petitioner is overaged, she is not able to participate in the selection process. Hence, she has made a representation to the respondents 4 and 5 seeking to relax the age limit. Since the said representation has not been considered, the petitioner has filed the present writ petition.

4. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents to consider the petitioner's representation dated 17.01.2023 and pass appropriate orders within a reasonable time.



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4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 3, learned Government Advocate appearing for the second respondent and the learned counsel appearing for the respondents 4 and 5.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the petitioner's representation dated 17.01.2023 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

01.02.2023

akv



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To

- 1.The Director of Collegiate Education,
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- 2.The Commissioner,
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- 3.The Joint Director of Collegiate Education,
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M.DHANDAPANI,J.

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