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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

**WP(MD)No.14737 of 2023
and
WMP(MD)No.12431 of 2023**

C.Mahesh

... Petitioner

v.

1.Life Insurance Corporation of India (LIC),
Rep.by the Zonal Manager,
South Zone, LIC Building,
No.156, Anna Salai, Chennai – 600 002.

2.The Senior Divisional Manager,
Life Insurance Corporation of India,
Tirunelveli Division, Punithavathiar Street,
9-A, Palayamkottai, Tirunelveli – 627 002.

3.The Branch Manager,
Life Insurance Corporation of India,
Tuticorin Branch, Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to accept the application of the petitioner dated 17.06.2023 and to conduct fresh interview for the petitioner treating him as qualified for having five years experience as Financial Services Executive.



For Petitioners : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates
For Respondents : Mr.G.Prabhu Rajadurai

ORDER

Heard the learned counsel on either side.

2.The petitioner was appointed as Financial Services Executive in the Life Insurance Corporation of India vide proceedings dated 24.10.2013. It was a contractual appointment. It was initially for a period of three years and subsequently extended by two more years. The petitioner's engagement came to an end on 25.01.2018 in view of the closure of the LIC (FSE) Scheme, 2007. The LIC has issued notification for recruiting Apprentice Development Officers. The eligible applicants have been grouped under the following three categories :

- (i)LIC Employee category
- (ii) LIC Agents Category or other than Agent, such as DSAs/FSEs
- (iii)Others Category (Open Market)

The petitioner applied under the second category. He was successful in the online written examination. Interview of the candidates is presently going on.



Tomorrow is likely to be the last date. The petitioner was called on 17.06.2023.

It was orally informed to the petitioner that the category under which he applied may not be applicable to him. Challenging the stand of the LIC, this writ petition has been filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant the relief as prayed for.

4.I am not persuaded by the submissions of the learned counsel for the petitioner. The eligibility condition has been set out as follows :

“Not less than 5 years as an LIC agent or other than Agent, such as DSAs/FSEs and has brought a Net First Year Premium Income of not less than Rs.5,00,000/- during the immediately preceding 5 financial years and a Net First Year Premium Income of not less than Rs.1,00,000/- on 50 lives in any 3 (three) of these financial years.”

As rightly pointed out by the learned standing counsel appearing for LIC, it is open to the employer to stipulate appropriate eligibility conditions and in the event of there being an ambiguity, it is for him to explain as to how it should be understood (vide **(2019) 6 SCC 362 (Maharashtra Public Service Commission v. Sandeep Shriram Warade and ors)**). The expression used in the



notification is “immediately preceding”. In other words, the applicant should have experience as DSA/FSE/LIC agent for not less than five years and this period should immediately precede the date of the notification ie., 2023-2018. Admittedly, the relationship between the petitioner and the LIC snapped in January 2018 itself. This requirement is not fulfilled by the petitioner. I wondered if the petitioner can be considered under the open category. It is brought to my notice that there is an upper age limit for those applying under the open category ie., 30 years of age (in completed years). Since the petitioner belongs to Backward Class, relaxation of three years can be given. The petitioner is, however, aged about 39 years. Therefore, it is not possible for this Court to direct the respondents to consider the petitioner under any category.

5.This writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

20.06.2023

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G.R.SWAMINATHAN, J.

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