



WEB COPY



W.P.No.4340 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

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THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4340 of 2022
and W.M.P.Nos.4454 & 4607 of 2022

R.Thirumal Azhagar

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep.by its Secretary
Department of Technical Education
Fort St.George
Chennai – 600 009.

2.The Director of Technical Education
No.53, Sardar Patel Road
Anna University Guindy
Chennai – 600 025.

3.The Principal
The Coimbatore Institute of Technology
Coimbatore – 641 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent dated 13.08.2021 vide in Letter No.32199/A4/2018 quash the same and consequently direct the 2nd respondent to approve the petitioner appointment for the post of Skilled Assistants in the Trade of Electrician based on the recommendation of the 3rd



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respondent's Letter No.33/Theku/AAPA/2018 dated 20.01.2021.

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For the petitioner : Mr.S.Saravanan
For the respondents : Mr.Neethiperumal
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the 2nd respondent dated 13.08.2021, thereby rejected the approval of the petitioner's appointment to the post of Skilled Assistant in the trade of Electrician (Non-Teaching Staff).

2. Heard, Mr.S.Saravanan, the learned counsel for the petitioner and Mr.R.Neethiperumal, the learned Government Advocate appearing on behalf of the respondents and perused the material records of the case.

3. The 3rd respondent had invited applications vide notification dated 21.03.2018 from the eligible candidates, to fill up various posts including the post of Skilled Assistant in the trade of Electrician (Non-Teaching Staff). Since the petitioner was qualified for the post, he was called for the interview scheduled on 14.07.2018. The petitioner appeared for interview and he was selected by the 3rd respondent. Thereafter, the petitioner was appointed and the 3rd respondent submitted a report dated 21.07.2018 to the 2nd respondent for



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approval of the petitioner's appointment. However, the said approval was rejected on the ground that no person shall be eligible for appointment by direct recruitment to any post in the service, if he had completed 36 years of service of age on the first July of the year in which the selection for appointment is made.

4. The learned counsel for the petitioner would submit that as per G.O.Ms.No.220, Higher Education Department dated 06.07.2009 citing Rule 6 (a), which states that for appointment to the post for which the minimum general education qualification referred to sub-rule (a) of rule 12 of the General Rules for the Tamil Nadu State and Subordinate Services or any lower qualification has been prescribed, the upper age limit in respect of candidates belonging to Schedule Castes and Scheduled Tribes shall be higher by five years. Further, as per Rule 2 (b) of the General Rules for the Tamil Nadu State and Subordinate Services Rules, no age limit shall apply to persons falling under the said Rule.

5. However, the petitioner was working under the 3rd respondent on temporary basis and not by way of any recruitment mode. That apart, admittedly, the petitioner had crossed the age of 36 years at the time of appointment.



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6. Therefore, this Court does not find any infirmity or illegality in the order dated 13.08.2021 passed by the 2nd respondent and accordingly, this Writ Petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

04.07.2024

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Index : Yes/No

Internet : Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes/No

To

1.The Secretary

Government of Tamil Nadu

Department of Technical Education

Fort St.George

Chennai – 600 009.

2.The Director of Technical Education

No.53, Sardar Patel Road

Anna University Guindy

Chennai – 600 025.

G.K.ILANTHIRAIYAN, J.,

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