



WEB COPY



W.P.No.3338 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2024

CORAM

THE HONOURABLE **MR. JUSTICE G.K.ILANTHIRAIYAN**

W.P.No.3338 of 2020
and W.M.P.No.3871 of 2020

S.Kalaiselvi

...Petitioner

Vs.

1. The District Collector,
Namakkal District.
Namakkal.
2. The Assistant Director,
Town Panchayats,
Salem Zone,
Salem.
3. The Executive Officer,
Pillanallur Town Panchayat,
Pillanallur,
Namakkal District – 637 403.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for all the records pertaining to order No.Na.Ka.No.40/2020 dated 27.01.2020 of the third respondent and quash the same as unlawful, illegal and ultra vires and further direction directing the third respondent to appoint the petitioner in sweeper post at Pillanallur Town panchayat.



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For Petitioner : Mr.P.Veeraraghavan

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 27.01.2020, thereby rejected the petitioner's candidature to the post of Sweeper on the ground of over age.

2. The petitioner belongs to Scheduled Caste Arunthathiyar community and she is a widow. While being so, the second respondent issued notification for the post of Sweeper in 13 town panchayats in Salem zone. The petitioner is qualified with 10th standard and registered her name in the District employment exchange. Therefore, the petitioner was served with interview letter for the post of Sweeper at Pillanallur municipality through employment exchange and the petitioner attended the interview on 11.12.2019. The petitioner also produced destitute widow certificate, community certificate and other certificates. However, the petitioner candidature was rejected on the ground of over age. Hence, the petitioner filed the present writ petition with the above prayer.

3. The learned counsel appearing for the petitioner would submit



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that the government order in G.O.Ms.No.15 Rural Development Department dated 25.01.1988, issued for maximum age limit and it was ordered that it is not advantageous for public health activities of the municipality to impose any maximum age limit for appointment to the post of sweepers and sanitary workers. However, the candidates for appointment to the post of sweepers and sanitary workers should have completed 21 years. Therefore, the petitioner's candidature ought not to have rejected by the respondents.

4. The third respondent filed counter and the learned Government Advocate appearing for the respondents submitted that as per the government order in G.O.No.112 Personal & Administrative Department dated 27.02.1989, the age limit has been fixed as 30 years. For SC candidates, five years age relaxation has been given. Therefore, 35 years is the upper age limit for SC candidates. Admittedly, the petitioner's age more than 35 years and as such she is not eligible to be appointed in the post of Sweeper and her candidature has been rightly rejected by the third respondent.

5. Heard the learned counsel appearing on either side and perused



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the materials placed before this Court.

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6. On perusal of records revealed that the government order in G.O.Ms.No.112, Personnel & Administrative Department dated 27.02.1989 was issued insofar as the Tamil Nadu State and Subordinate Service direct recruitment, thereby enhanced the age limit from 28 years to 30 years. It is not application to the rural development department and the government order in G.O.Ms.No.15 dated 25.01.1988 is applicable to the case on hand. On perusal of the government order in G.O.Ms.No.15 dated 25.01.1988, it is clear that there is no age limit for appointment to the post of Sweeper and Sanitary workers. Further, the candidature of the petitioner was rejected only on the ground that the petitioner was over age to the post of Sweeper. That apart, the petitioner is a destitute widow and having two children and she belongs to SC Arunthathiyar community.

7. In view of the above discussions, the order passed by the third respondent cannot be sustained and liable to be set aside. Accordingly, the order dated 27.01.2020 passed by the third respondent in Na.Ka.No. 40/2020, is hereby quashed. The third respondent is directed to appoint the petitioner to the post of Sweeper, if the petitioner otherwise is eligible,



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within a period of eight weeks from the date of receipt of a copy of this
Order.

8. With the above directions, the Writ Petition stands allowed.

Consequently, connected miscellaneous petition is closed. There shall be no
order as to costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN, J.

rts

To

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