



WEB COPY



W.P. Nos.32514 and 32515 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos. 32514 and 32515 of 2012

and

M.P.Nos.1 and 1 of 2012 and 1 and 1 of 2013

M.Ramani

... Petitioner
in W.P.No.32514 of 2012

J.Jayashankar

... Petitioner
in W.P.No.32515 of 2012

Vs.

1. The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai – 600 005.
2. The Commissioner of Land Reforms (i/c),
Land Reforms Department,
Chepauk, Chennai – 600 005.
3. The Assistant Director,
Land Survey and Records Department,
Vellore.

Page No.1/6



W.P. Nos.32514 and 32515 of 2012

4. The District Employment Officer,
District Employment Office,
Vellore.

... Respondents
[in both W.Ps.]

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to Na.Ka.A5/8451/2009 dated 09.10.2012 on the file of the 3rd respondent and quash the same thereby permitting the petitioners to continue their service as a Field Assistants.

For Petitioners : Mr.K.Thennan
for Mr.K.Mohana Murali
[in both W.Ps.]

For Respondents : Mr.P.Ananda Kumar
Government Advocate
[in both W.Ps.]

COMMON ORDER

The petitioners in these two writ petitions have registered with the fourth respondent / Employment Exchange and basing upon the request made by the third respondent, the fourth respondent communicated a list of eligible candidates including the petitioners herein, for being appointed to the post of Field



W.P. Nos.32514 and 32515 of 2012

Assistants in Survey and Land Reforms Department and accordingly, after undergoing the selection process, the petitioners herein were appointed as Field Assistants through proceedings dated 19.09.2011. The petitioners after being appointed to the said post on regular basis, vide impugned order dated 09.10.2012, the third respondent dismissed the petitioners from service on the ground that, on the date of their appointment as Field Assistants, they were over-aged.

2. According to the learned counsel appearing for the petitioners, the petitioners are not over-aged and they are entitled to get the benefit of extension of the age limit as per the amended Rule 54-B of the General Rules issued through G.O.Ms.No.114, Personnel and Administrative Reforms (S) Department, dated 11.08.2010 [The date on which the list is called for from the employment exchange is relevant criteria for applying Rule 54-B of the General Rules in Part II of the Tamil Nadu State and Subordinate Service Rules]. According to the learned counsel appearing for the petitioners, the list was called for by the third respondent during the relevant period i.e., between 17.07.2006 to 16.07.2011, and



W.P. Nos.32514 and 32515 of 2012

therefore, the age of the petitioners is to be considered as on the date of calling for applications. But the respondents have issued impugned orders without putting the petitioners on notice, and had the petitioners been afforded with an opportunity of hearing, they would have explained the same.

3. This Court, while entertaining these writ petitions, after considering the contention of the petitioners, this Court granted interim stay by order dated 07.12.2012. By virtue of the said interim order, the petitioners are continuing in the service. Admittedly, the impugned order came to be issued without putting the petitioners on notice and without following the due procedures as required under law. Therefore, this Court is of the considered view that it is not necessary for this Court to examine the matter on merits and it would be in the interest of both the parties to set aside the impugned order on the ground of violation of principles of natural justice and therefore, leave it to the respondents to take appropriate action on merits and in accordance with law.

4. Therefore, the impugned order dated 09.10.2012 issued by the third



W.P. Nos.32514 and 32515 of 2012

respondent is set aside, leaving it open to the respondents to take action, if deemed necessary, at the length of time, in accordance with law. Accordingly, these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.09.2024

Speaking Order : Yes/ no

Index : Yes/No

Neutral Citation : Yes/No

ms

To

1. The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai – 600 005.
2. The Commissioner of Land Reforms (i/c),
Land Reforms Department,
Chepauk, Chennai – 600 005.
3. The Assistant Director,
Land Survey and Records Department, Vellore.
4. The District Employment Officer,
District Employment Office, Vellore.

MUMMINENI SUDHEER KUMAR, J.

Page No.5/6



WEB COPY



W.P. Nos.32514 and 32515 of 2012

ms

W.P.Nos.32514 and 32515 of 2012

12.09.2024

Page No.6/6