



WEB COPY

W.P.No.334



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.33452 of 2012

and

M.P.Nos.1 and 2 of 2012

Mrs.Alamelu

... Petitioner

Vs.

Tamil Nadu Public Service Commission,
Represented by its Secretary,
Frazer Bride Road,
VOC Nagar, Park Town,
Chennai – 600 003.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the respondent's notification No.14/2012 dated 27.04.2012 and quash the same so far as it relates to age limit and consequently direct to relax the age limit for candidates who have not attained the maximum age limit in the years 2007-2011 and select the petitioner for the post of Typist.

For Petitioner : Mr.K.Sakthivel

For Respondent : M/s.G.Hema,
Standing Counsel for TNPSC

ORDER

This Writ Petition has been filed seeking a writ of Certiorarified Mandamus,



to call for the records relating to Notification No.14 of 2012 dated 27.04.2012 and to quash the same insofar as it relates to the age limit and also sought for a consequential direction to relax the age limit for the candidates, who have not attained the maximum age limit during the years 2007 to 2011 and to select the petitioner to the post of 'Typist'.

2. Through the impugned notification, the upper age limit was prescribed as 30 years. The petitioner has already crossed the age of 30 years by the date of notification i.e., by 27.04.2012. The basis for challenge to the age limit prescribed under the impugned notification is placing reliance on Rule 54-B of the Tamil Nadu State and Sub-ordinate Service Rules.

3. Rule 54-B of the Tamil Nadu State and Sub-ordinate Service Rules reads as under:-

“ 54-B. Age concession for persons affected due to the ban on direct recruitment. - Notwithstanding anything contained in the Special rules for the various State and Subordinate Services or in any adhoc rules applicable to any temporary post in the case of a person who has been affected due to the ban on direct recruitment that was imposed on the 29th November 2001, the upper age limit shall be raised to a maximum period of five years reckoned on and from the 17th July 2006, ending with the 16th July 2011, in computing his age for appointment to any post under the State Government, except the categories of posts of Teachers, Doctors and Police Constabulary and shall be



applicable in respect of notifications issued or selections made by competent recruiting authorities or appointments made by competent appointing authorities during the aforesaid period”

By placing reliance on the above Rule, the learned counsel for the petitioner contended that the posts which are notified under the impugned notification are pertaining to the years 2007-2008 to 2012-2013 and therefore, the petitioner should be allowed the benefit of age relaxation provided under Rule 54-B.

4. In other words, the contention of the petitioner is that, as the notified vacancies shown to have been arisen during the period from 17.07.2006 to 16.07.2011, the age relaxation provided under Rule 54-B should be made available to the petitioner and she should be allowed to participate in the recruitment process.

5. This Court has carefully considered the submissions made by the learned counsel for the petitioner, but unable to agree with the said contention for the following reasons:-

5.1. The said Rule 54-B was added to the existing 54 by way of a Government Order issued in G.O (Ms) No.114, Personnel and Administrative Reforms (S-1) dated 11.08.2012 in view of the ban that was imposed on the recruitment with effect from 29.11.2001, which was in operation till the month of February, 2006. As there was a ban for almost a period of 5 years, the Government in its wisdom, thought it fit to relax the upper age limit for those candidates, who



could not participate in the recruitment process because of the ban imposed by the Government by relaxing the upper age limit by 5 years.

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5.2. From the very language used in the said Rule, it is evident that the same is applicable to the persons, who have been affected due to the ban on direct recruitment that was imposed on 29.11.2001. The ban that was imposed on 29.11.2001 has come to an end on 07.02.2006. The petitioner is aged 31 years as on the date of filing the present Writ Petition in the year 2012.

6. From the perusal of the above Rule, it is evident that the said relaxation of the age limit is applicable only in respect of the notifications issued or selections made by the competent recruitment authorities or appointments made by competent appointing authorities during the aforesaid period. The aforesaid period refers to the period between 17.07.2006 to 16.07.2011. In case, if any notifications were issued during the said period, the relaxation of upper age limit of 5 years is available to the candidates, who intend to participate in the recruitment process pursuant to the notifications issued during the relevant period i.e., 17.07.2006 to 16.07.2011. Admittedly, the notification in question was issued on 27.04.2012 i.e., beyond the aforesaid period and therefore, on the face of it, the said Rule has no application to



the notification in question.

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7. The contention of the learned counsel for the petitioner that the posts that are notified under the impugned notification are the vacancies that arose between the years 2007-2011 and therefore, the said age relaxation is available to the petitioner does not stand to legal scrutiny, as there was no reference to the date on which the vacancies arose, but the parameters for applying the said Rule 54-B is only the notifications that were issued between the period 17.07.2006 to 16.07.2011 and for the persons, who are affected because of the ban that was imposed on the recruitment on 29.11.2001. As the impugned notification is apparently the one which was issued beyond the aforesaid period for which the Rule 54-Bis applicable, this Court is unable to agree with the learned counsel for the petitioner.

8. In the circumstances, this Court does not find any merit in the Writ Petition and accordingly, the Writ Petition is dismissed. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

04.09.2024

skr

Index : Yes / No

Speaking order / Non-speaking order



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Neutral Citation : Yes / No

To

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The Secretary, Tamil Nadu Public Service Commission,
Frazer Bride Road, VOC Nagar, Park Town, Chennai – 600003.



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MUMMINENI SUDHEER KUMAR, J.

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