



W.P.No.9082 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **18.06.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.9082 of 2015

N.Lakshmanadass
Petitioner

...

-VS-

1.The Government of Tamil Nadu,
represented by Principal Secretary to Government,
Personnel and Administrative Reforms (F) Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Employment and Training,
Guindy,
Chennai – 600 032.

3.The District Employment Officer,
Vellore – 632 012,
Vellore District.

4.The District Collector,
Vellore, Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution



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of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent issued in and by Letter No.128823/F2/2014-2, Personnel and Administrative Reforms (F) Department dated 23.04.2014 and quash the same and further direct the first respondent to grant relaxation of upper age qualification to the petitioner for appointment to Tamil Nadu Basic Service, and issue consequential orders to the respondents 2 and 3 to sponsor the name of the petitioner for appointment of the petitioner to any suitable post in Tamil Nadu Basic Service in any Departments of Government or its undertakings within a reasonable time.

For petitioner : No appearance

For respondents : Mr.Alagu Gowtham,
Government Advocate

ORDER

The writ petitioner, being aggrieved by the order passed by the first respondent rejecting his request for relaxation of upper age qualification for appointment to the Tamil Nadu Basic Service, seeks to quash the same and also to issue consequential orders to



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the respondents 2 and 3 to sponsor his name within a time frame for appointment to any suitable post in the Tamil Nadu Basic Service in any of the Departments of the Government or its undertakings.

2. The petitioner has come to the Court contending that he belongs to the Scheduled Caste community and has studied upto X Standard, but, had however, failed in the school leaving exams and he could not continue with the studies on account of poor financial condition of his family. The petitioner had registered his name with the Employment Exchange, Vellore, on 24.11.1986 which registration he has been renewing periodically. On 19.01.2000, he had also registered his name opting to serve in Sweeper / Sanitary Worker post. However, his name was not sponsored to any of the appointing authorities for over 16 years and he had suffered without employment.



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3. The petitioner would submit that he had been periodically sending representations to the District Collector, Vellore, and Commissioner of Employment and Training, Chennai. His representation to the Commissioner of Employment and Training, Chennai, was forwarded to the District Employment Office, Vellore. By a letter dated 04.07.2013, the District Employment Office, Vellore, had informed the petitioner that his name was sponsored to the District Court, Vellore, on 31.11.2009 for appointment to the post of Office Assistant. However, he had not received any communication in this regard.

4. The petitioner would submit that despite being entitled to reservation viz., communal rotation in appointment, his case was not considered at all. Adding insult to the injury, the persons who had enrolled later with the Employment Exchange had been considered and appointed. All of them belong to the Scheduled Caste community.



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5. The petitioner would submit that being born on 08.03.1969, he had crossed the upper age limit of 40 years for Scheduled Caste candidates and therefore, he would not be able to get into Government Service. Therefore, he had made a representation dated 10.01.2014 to the Secretary to the Government, Personnel and Administrative Reforms Department, Chennai, to exercise the power vested under Rule 48 of the General Rules for Tamil Nadu State and Subordinate Services and to grant relaxation of upper age limit of 40 years. Since this request was not considered, the petitioner was constrained to file a writ petition in W.P.No.4421 of 2014. By an order dated 14.02.2014, the writ petition was disposed of with a direction to the first respondent to consider the petitioner's representation and pass orders on merits and in accordance with law. Thereafter, the impugned order came to be passed, wherein, the reason given by the respondents was that granting relaxation of upper age limit for appointment to the Tamil



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Nadu Basic Service is a policy decision of the Government and therefore, the authorities could not grant the said relaxation.

6. The first respondent had filed a counter affidavit *inter alia* contending that reference to Rule 48 of the General Rules for Tamil Nadu State and Subordinate Service could not be applied to the case of the petitioner herein, since the General Rules are applicable only to the persons or class of persons who are serving in civil capacity under the Government of Tamil Nadu and would not apply to the persons who had only registered in the Employment Exchange and not entered the Government service. Further, the Labour and Employment (N2) Department had issued G.O. (Ms). No.21 dated 02.02.2000, wherein, the age concession of one year for every completed three years, subject to a maximum of 5 years, is allowed to the persons who possess the educational qualification below S.S.L.C. and registered in Employment Exchange. The first respondent is not the competent authority to grant age concession to



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job seekers.

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7. The second respondent had filed a counter affidavit contending that the petitioner has crossed 40 years of maximum age limit applicable to SC candidates even as early as on 07.03.2009 and further, the petitioner had not been nominated for want of seniority. He had further stated that by virtue of G.O.(Ms). No.21, cited *supra*, maximum of 5 years is applicable for SC registrants. If this is applied to the case of the SC registrants, then, the maximum age limit would be 40 years. The petitioner, even after applying this age relaxation, would be waypast the upper age limit. Therefore, there is no merit in the case of the petitioner.

8. Heard the learned Government Advocate appearing for the respondents. The petitioner's counsel has not chosen to appear before this Court. Since the issue involved is purely an interpretation of the Government Order and rules, this Court has



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proceeded to pass orders.

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9. Even according to the petitioner, he was over-aged even on the date when the Employment Exchange had recommended his name for consideration. The recommendation had been made on 31.11.2009, whereas, the petitioner had crossed the age of 40 even as early as on 07.03.2009. The Tamil Nadu Basic Service Rules and other connected Rules would not apply to the petitioner who is yet to get into the Government service and would be applicable only to a Government servant.

Therefore, the impugned order cannot be said to suffer from the vice of arbitrariness and consequently, this writ petition is dismissed. No costs.

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Internet : Yes



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Index : Yes/No
Speaking order/Non-speaking order
ssa

To

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Personnel and Administrative Reforms (F) Department,
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P.T.ASHA, J.,

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