



WEB COPY

W.P.No.16694 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.16694 of 2021
and W.M.P.No.17678 of 2021

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... Petitioner

Vs.

1.The District Collector,
Dharmपुरi District,
Dharmपुरi.

2.The District Employment Officer,
District Employment Office,
Dharmपुरi.

3.The Director/ Welfare Officer,
District Backward Class and
Minority Welfare Department,
Dharmपुरi.

4.Elumalai

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to appoint the petitioner in the post of Sweeper in the Schools/ Colleges coming under the control of the third respondent.



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For Petitioner : Mr.R.Karunagaran
For Respondents : Mr.R.U.Dinesh Rajkumar,
AGP for R1to R3

ORDER

This Writ Petition has been filed by the petitioner for a direction to the third respondent to appoint him as a Sweeper in the Schools/ Colleges coming under the control of the third respondent.

2. Heard the learned counsel on either side and also perused the material available on record.

3. The petitioner claims that she belongs to Scheduled Caste community and hailing from a very poor family and despite of odds, she had completed SSLC and also registered her name with the second respondent/ Employment Exchange in the year 1992. The petitioner having registered her name with the second respondent/ Employment Exchange is anxiously waiting for job opportunity for the post of Sweeper or to the post of Cook in commensurate with her qualification and despite waiting for very many years, she has not been issued with any call letter to attend interview in connection with the selection of the said post. Thereafter, left with no other option, the



petitioner made a representation to the Chief Minister's Cell and the same was forwarded to the Competent District Level Authorities. As a result of which, a call letter dated 23.11.2016 came to be issued for an interview to the post of Sweeper. But the respondents had not selected the petitioner to the said post. Against which, the petitioner has filed a Writ Petition in W.P.No.4637 of 2017 and this Court by an order dated 24.02.2017, had directed the petitioner to submit one more representation to the third respondent seeking the result of the interview attended by her pursuant to the call letter dated 23.11.2016 within a period of two weeks and upon the receipt of the same, the third respondent has directed to consider the same and pass appropriate orders within a period of two weeks thereafter. As per the directions of this Court, the petitioner made a representation to the third respondent on 06.04.2017. On receipt of the representation of the petitioner, the respondents had replied for the same stating that the petitioner was rejected for the job for the reason that the petitioner has been over aged. Aggrieved over the same, the petitioner has filed the present petition.

4. The learned counsel for the petitioner submitted that the appointment to the Sweeper/Cook comes under the Class IV of the Tamil Nadu Basic Service Rules wherein the upper age limit fixed for the Scheduled Caste



candidate is 35 years, but Section 64 of the Tamil Nadu Government Servant (Condition of Service) Act, 2016 contemplates that the age concession is 10 years for the physically disabled persons. In such event, the petitioner being a Scheduled Caste community and a physically disabled person, fully eligible for the said post of Sweeper/ Cook. The respondents ought not to have rejected the appointment of the petitioner stating the reason that she is over aged.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the qualification to be appointed for the post of Sweeper/ Cook is that the applicant should not have crossed the age of 35 years as on 01.07.2016. But the petitioner has aged 46 years at the time of interview and hence, the respondents have rejected the petitioner stating the reason that she is over aged. Hence, the prayer sought for by the petitioner in this Petition has become infructuous.

6. A perusal of the records reveals that proper procedure has been followed by conducting the interview. The main qualifications for the post of Sweeper/ Cook is that the applicant should not have crossed the age of 35 years as on 01.07.2016, but the petitioner was 46 years at the time of



interview. Therefore, the direction sought for by the petitioner cannot be considered.

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7. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

02.09.2024

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Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.



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