



WEB COPY

W.P.No.15800 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 27.06.2024

Orders pronounced on : **10.07.2024**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15800 of 2024
and W.M.P.Nos.17222 and 17227 of 2024

Dr.S.Kumaraguru

.. Petitioner

Versus

The Registrar,
National Institute of Technology,
Thiruvettakudi, Karaikal,
Puducherry - 609 609.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 10.06.2024 in Ref:Advt.No.NITPY/01/2024/T-NT/01032024, dated 01.03.2024 passed by the respondent and to quash the same in so far as the petitioner application number NITPY263 at serial No.1 is concerned and consequently direct the respondent to grant age relaxation invoking the recruitment rule for the post



W.P.No.15800 of 2024

of Student Activity & Sports (SAS) officer read with Government of India instruction/order issued through the Ministry of Human Resource Development, Department of Higher Education and consider and appoint the petitioner on becoming successful in the selection/recruitment process.

For Petitioner : Mr.Syed Musthafa,
Asst. by Mr.K.P.Jotheeswaran

For Respondent : Mr.Srinivasa Murthy,
Senior Panel Central Government
Pleader

ORDER

This Writ Petition is filed to quash the impugned order, dated 10.06.2024 insofar as the petitioner's application number is concerned and consequently, to direct the respondent to grant age relaxation invoking the recruitment rule for the post of Students Activity & Sports (SAS) Officer read with the instruction/order of Government of India issued through the Ministry of Human Resource Development, Department of Higher Education and consider and appoint the petitioner on becoming successful in



W.P.No.15800 of 2024

the selection/recruitment process.

WEB COPY

2. The petitioner's case is that he works at the National Institute of Technology, Goa as a Student Activity and Sports Officer on a contract basis. While so, by a notification, dated 01.03.2024, applications were invited for direct recruitment to various posts mentioned therein by the National Institute of Technology, Karaikal, Puducherry. Of the said posts, the post of Students Activity & Sports (SAS) Officer is also mentioned in Serial No.4. The petitioner claims that he possesses all the other qualifications as of the relevant date i.e., as of 25.03.2024. However, as far as the age limit is concerned, the petitioner is over-aged by 19 days. When the petitioner sought to upload the application online, only upon selecting the option of self-declaration, the application was uploaded. Now, by the impugned communication, dated 10.06.2024, the candidates were notified about their ineligibility. In the list of candidates who are not considered eligible, the petitioner's application number is mentioned in Serial No.1,



W.P.No.15800 of 2024

WEB COPY

wherein, his application is now sought to be rejected because he is over-aged.

3. The petitioner contends that the Government of India issued O.M.No.F.35-5/2018-TS.III, dated 20.02.2019 regarding all the N.I.Ts. As per Clause 4 A(i) of the same, one-time relaxation is granted to the candidates working in the N.I.Ts on an outsourced basis for the recruitment process for the post for the first time. According to the learned Counsel for the petitioner, the petitioner is working on a contractual basis at the National Institute of Technology, Goa. He is applying for the regular post for the first time. Therefore, the petitioner is entitled to the age relaxation though the quantum can be decided by the concerned Board of Governors. In the instant case, the petitioner is seeking age relaxation for 19 days alone.

4. The Writ Petition is resisted by the respondent by filing a counter-affidavit. It is the case of the respondent that the Office Memorandum,



W.P.No.15800 of 2024

WEB COPY

dated 20.02.2019, referred by the petitioner, was issued given the different norms being followed by different N.I.Ts and there was some hardship for the concerned employees working in the very same post in the respective N.I.Ts. Since regular recruitment was not made for a long period of years, the said Clause 4 A (i) was a one-time measure for the concerned person working in the concerned post in the concerned N.I.T. that too as of 20.02.2019.

5. Heard *Mr.Syed Musthafa*, learned Counsel for the petitioner and *Mr.Srinivasa Murthy*, learned Senior Panel Central Government Counsel for the respondent. The learned Counsel on either side reiterated the contentions as mentioned above in the affidavit filed in support of the Writ Petition as well as in the counter-affidavit.

6. I have considered the said submissions made on either side and perused the material records of the case.



W.P.No.15800 of 2024

WEB COPY

7. From the impugned communication, dated 10.06.2024, it is clear that the application of the petitioner is sought to be rejected on the ground that he is over-aged. The fact that the petitioner is over-aged by 19 days as per the requirement in the notification is admitted by either side. The date of birth of the petitioner is 06.03.1989 and as such, he is aged 35 years and 19 days as of the relevant date i.e., as of 25.03.2024, whereas, the upper age limit is only 35 years.

8. The petitioner has produced his appointment order in the National Institute of Technology, Goa. It can be seen that he is working on a contract basis in the very same post i.e., Students Activity & Sports (SAS) Officer. Now the National Institute of Technology, Karaikal, Puducherry, is taking up recruitment in respect of the post of Students Activity & Sports (SAS) Officer. The order issued by the Government of India, dated 20.02.2019 in



W.P.No.15800 of 2024

Clause 4 A(i) reads as follows :-

WEB COPY

"4...

A. One-time measures / relaxations

(i) Those employees, who are working on ad-hoc / temporary / contractual / outsource basis, in RECs / NITs, may be given one-time age relaxation to participate in the first regular recruitment process for the post for which they fulfill all other conditions mentioned in the Recruitment Rules proposed by the Oversight Committee. The quantum of age relaxation may be decided by the Board of Governors of the respective NIT."

9. On a reading of the order of the Government of India containing the recommendations of the Oversight Committee for non-teaching N.I.T staff, it can be seen that the first condition for availing age relaxation is that the concerned employee must be working in ad-hoc/temporary/contractual / outsource basis in R.E.Cs/N.I.Ts. The petitioner is working on a contractual basis at the National Institute of Technology, Goa. The second condition is that the age relaxation would be given only as a one-time measure for the first regular recruitment process for the posts for which they fulfilled all the other conditions. The respondent's case is not that the petitioner has already availed of age concession. The petitioner is seeking it as a one-time measure



W.P.No.15800 of 2024

WEB COPY

for participation in the first regular selection process for the post for which

he is qualified. Therefore, the petitioner would be entitled to age relaxation.

The rule indeed requires that the concerned N.I.T shall decide the quantum of the relaxation. In this case, it can be seen that only 19 days of relaxation is sought and therefore, the matter is not remitted back to the respondents to consider the quantum. As only 19 days is prayed for, the age relaxation prayed for can straightaway be granted.

10. The contention of the learned Counsel for the respondent that the candidate should be (I) working in the same N.I.T or R.E.C; (ii) he should be working as of 20.02.2019; and (iii) the post should be filled up for the first time on regular basis and that in this case already it was filled up in the year 2013 and the incumbent vacated subsequently and therefore this is not a first recruitment, amount to reading something extra into the rule and an incorrect reading of the rule. The government order is intended to give effect to the recommendations of the oversight committee. It Among other



W.P.No.15800 of 2024

WEB COPY

things, it intends to redress the grievance of the contract employees to help them participate in the regular selection by availing age relaxation, that too as a one-time measure for the first regular recruitment to which they apply.

11. In view thereof, this Writ Petition is disposed of in the following terms:-

(i) The impugned order, dated 10.06.2024 shall stand quashed in as much as the petitioner's application was rejected for being over-aged in Serial No.1 to the annexure;

(ii) The respondent is directed to further process the application of the petitioner by granting age relaxation and treating him as qualified regarding age criteria and to consider him for the said post if he is otherwise eligible and if he is successful in the selection process as per law;

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.



WEB COPY



W.P.No.15800 of 2024

10.07.2024

Neutral Citation: yes
grs

To

The Registrar,
National Institute of Technology,
Thiruvettakudi, Karaikal,
Puducherry - 609 609.



WEB COPY



W.P.No.15800 of 2024

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.15800 of 2024
and W.M.P.Nos.17222 and 17227 of 2024

10.07.2024



WEB COPY



W.P.No.15800 of 2024