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W.P.No.16994 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.16994 of 2020
and W.M.P.Nos.21087 & 2917 of 2023

E.Gayathri

...

Petitioner

/vs/

1. The Tamil Nadu Generation and Distribution Corporation Limited,
Represented by its Chairman,
No.144, Anna Salai, Chennai – 600 002.
2. The Chief Engineer / Personnel,
The Tamil Nadu Generation and Distribution Corporation Limited,
No.144, Anna Salai, Chennai – 600 002.
3. The Superintending Engineer,
The Tamil Nadu Generation and Distribution Corporation Limited,
Namakkal Circle, Namakkal.
4. The Assistant Executive Engineer,
The Tamil Nadu Generation and Distribution Corporation Limited,
Namakkal.



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5. The Commissioner of Employment and Training,
Guindy, Chennai – 32.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the third respondent in Memo No.012431/1100/Adm.1/A.3/F.Personal/2018-5 dated 20.10.2020 and the fourth respondent in Memo No.AEE/O & M/Valayapatty/C.A/F.J.E.II Grade-2/2020 dated 20.10.2020 and quash the same and direct the 1st and 4th respondents herein to reinstate the petitioner into the services of the first respondent with all attendant benefits.

For Petitioner ... Mr.Sundar Narayan

For Respondents ... Mr.K.Rajkumar
Standing Counsel for TANGEDCO
for R1 to R4

Mr.S.Arumugam
Government Advocate for R5



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ORDER

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Heard Mr.Sundar Narayan, the learned counsel for the petitioner, Mr.K.Rajkumar, learned Standing Counsel for R1 to R4 and Mr.S.Arumugam, the learned Government Advocate for R5.

2. The petitioner has filed this writ petition challenging the order of the third respondent in Memo No.012431 / 1100 / Adm.1 /A.3 / F.Personal / 2018-5 dated 20.10.2020 and the fourth respondent in Memo No.AEE/O & M/Valayapatty/C.A/F.J.E.II Grade-2/2020 dated 20.10.2020 and to direct the respondents 1 to 4 to reinstate the petitioner into the services with all attendant benefits.

3. The impugned order dated 20.10.2020 is an order of dismissal of the petitioner from service stating that she did not complete the age of 18 years at the time of recruitment as “Technical Assistant”.

4. Mr.Sundar Narayan, the learned counsel for the petitioner, submitted that the petitioner had submitted the records by stating her date



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of birth as 07.07.1995. The said fact was not denied by the respondent as well. In the memo dated 10.09.2018 issued by the third respondent, it is claimed that the petitioner did not complete the age of 18 years as on 01.01.2013, on which date she had participated in the interview for selection. The learned counsel for the petitioner submitted that the petitioner did not suppress any material fact and the certificate verification has been duly done and thereafter only the appointment order has been released to her.

5. The learned counsel for the petitioner attracted the attention of this Court to the order passed in W.P.No.15936 of 2013 and batch which was filed by the unsuccessful candidates challenging the recruitment. In the said order the following directions have been given:

“ 10. Accordingly, all these writ petitions are dismissed. However, considering the facts and circumstances of the case, the following directions are issued:

1. The respondents are directed to issue a detailed notification indicating the number of posts, qualification required, method of selection, rule of reservation and any other



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selection process involved for all the future vacancies.

2. The respondents are directed to verify the documents produced by all the selected candidates including the check list and in case of any discrepancy, to take appropriate action against such of the selected candidates including Mr.Karthik Nivas after affording an opportunity of being heard.

3. The respondents are also directed to verify the age of those selected candidates as on the last date of receipt of applications and if they are found to be minors, appropriate action will have to be taken by following due procedure.

4. The entire exercise will have to be done by the respondents within a period of two months from the date of receipt of a copy of this order.”

6. By taking cue from the said order, it is claimed by the learned counsel for the petitioner that the age of candidate should be verified as per the last date of receipt of the application, however the age of the petitioner was not calculated by taking into account of the last date of receipt of application but by taking into account of the date of notification. Had the age of the petitioner been calculated by taking into account of the last date



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of receipt of the application, she would have crossed 18 years but the said direction has not been considered in its true letter and spirit.

7. It is seen from the proceedings of the respondent TANGEDCO dated 20.10.2020, the age of the petitioner has been calculated by taking into account of the date of notification and not the last date of receipt of the application. It appears from the notification dated 31.05.2013 that the last date of receipt of application is 22.06.2013. If the age of petitioner is calculated by taking the last date of receipt of the application (i.e.) 22.06.2013, she would not have completed the age of 18, on the last date of receipt of application.

8. When the petitioner herself accepts that her date of birth is 07.07.1995, she could not have been dismissed on the presumption of suppression of any material information and the resultant misconduct. But the order of dismissal does not state any misconduct on the part of the petitioner. It only reads that the petitioner did not attain the minimum qualifying age of 18 years on the date of her interview. In fact in the order



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of this Court, the cut off date for calculating the age of applicants is only the last date of receipt of the application.

9. Since the petitioner did not have the required age to be considered as major as on 22.06.2013, which is the last date of receipt of application, the petition itself is not maintainable and is liable to be dismissed.

10. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

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

To:

The Commissioner of Employment and Training,
Guindy, Chennai – 32.



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R.N.MANJULA ,J.

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