



W.P.No.21201 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2024

CORAM

THE HON'BLE MR.JUSTICE G.K. ILANTHIRAIYAN.

W.P.No.21201 of 2024

K.Raja

.. Petitioner

Vs.

1. The Secretary to Government
Adi-Dravidar and Tribal Welfare Department
Fort St. George, Chennai – 600 009.

2. The Director of Adi-Dravidar Welfare
Chepauk, Chennai – 5.

3. The District Adi-Dravidar & Tribal Welfare Officer
Chengalpattu District, Chengalpattu.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the third respondent from taking further action pursuant to the show cause notice issued in Na.Ka.No.J2/320/2021 dated 02.07.2024 till the disposal of the representation dated 15.07.2024 by the first respondent for considering the age relaxation of the petitioner for continuing in the post of "Cook".

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader



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ORDER

This writ petition has been filed seeking a direction to forbear the third respondent from taking further action in pursuant to the show-cause notice dated 02.07.2024.

2. The petitioner belongs to the Scheduled Caste Community and was appointed as a Cook at the Government Adi-Dravidar Boys Hostel, Kattankulathur Village, Chengalpattu District, by order dated 26.02.2021. While being so, the second respondent issued directions to cancel the appointment made earlier, alleging that there are violations in the appointment. However, the petitioner possessed higher qualifications, over and above the required qualifications and was also over-aged at the time of publication of the advertisement, calling for applications for appointment to the said post.

3. Therefore, the petitioner filed a writ petition before this Court in W.P.No.30740 of 2022 and this Court, by order dated 18.11.2022, set aside the said order with liberty to issue fresh notice. Till then, the service of the petitioner was ordered not to be disturbed.



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4. In the meanwhile, the Hon'ble Division Bench of the Madurai Bench of this Court held that regarding the appointment of over aged candidates, their selection and appointment are directly in violation of Rule 5(1) of the Special Rules for Tamil Nadu Basic Service and the notification issued by the Government of Tamil Nadu. Once the Special Rule or in the recruitment notification unambiguously stipulate that the age limit for general category candidates is 30 years and for SC/ST candidates 35 years, the selection of candidates over and above the age limit fixed under the recruitment notification is directly in violation of the Special Rules and the recruitment notification and it cannot be sustained. Therefore, held that the selection of over-aged candidates in violation of the recruitment notification as illegal.

5. In pursuance to the said order, the petitioner was served with a show-cause notice, since the petitioner was over-aged at the time of his appointment.

6. Even before the judgment of the Hon'ble Division Bench of the Madurai Bench of this Court, the District Collector, by communication dated 04.08.2022, recommended the case of the petitioner,



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considering his family circumstances and also the period of his service, to relax the age limit. In pursuant to the said recommendation, on receipt of the show-cause notice, the petitioner submitted a representation, seeking relaxation of age to the respondents herein and it is pending.

7. In view of the above, the first respondent is directed to consider the representation submitted by the petitioner, on its own merits and in accordance with law, in the light of the recommendation submitted by the District Collector, Chengalpattu, dated 04.08.2022 within a period of four weeks from the date of receipt of a copy of this order. Till then, the third respondent is directed not to precipitate the issue of termination of the petitioner.

8. With the above directions, the writ petition stands disposed of. There shall be no order as to costs.

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Neutral Citation : Yes/No

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To:

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G.K. ILANTHIRAIYAN, J.

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