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W.P.No.33772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33772 of 2024

P.Suresh Kumar

...Petitioner

Vs

1.The State,
Represented by the Additional Chief
Secretary to the Government,
Youth Welfare and Sports Development
Department,
Fort St.George, Chennai - 600 009.

2.Sports Development Authority of
Tamil Nadu,
Represented by the Member Secretary,
Raja Muthiah Road,
Kannappar Thidal,
Periyamet, Chennai - 600 003.

3.District Sports and Youth Welfare Officer,
SDAT District Sports Unit,
St.Thomas Road, Anna Stadium,
Palayamkottai, Tirunelveli - 627 002

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the record in R.C.No.858922/HR-1A/2024, dated 29.09.2024, concerning the order



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passed by the 2nd respondent and quash the same and consequently direct the respondents to consider the petitioner's representation dated 10.09.2024.

For Petitioner : Mr.M.Samuel Raja
For Respondents : Mr.V.P.R. Elamparithi
Additional Government Pleader

ORDER

This writ petition has been filed to call for the record in R.C.No.858922/HR-1A/2024, dated 29.09.2024, concerning the order passed by the 2nd respondent and quash the same and consequently direct the respondents to consider the petitioner's representation dated 10.09.2024.

2. The case of the petitioner is that the petitioner has completed Bsc., in Physical Education at MDT Hindu College, Tirunelveli in the year 1996, and also completed M.Ed at Alagappa University, Karaikudi in the year 1999. Later he had also obtained a Diploma in Coaching for Kho-Kho and Kabaddi and conducted several Kabbadi tournaments with the aspiration of becoming a Kabbadi Coach. From the year 2009 to 2020, the petitioner applied for various recruitments conducted by the Sports Development authority, but faced withheld interviews and



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undeclared results. The Petitioner has also applied for the recruitment dated 12.12.2022 issued by the 2nd respondent, but his application was rejected due to the upper age limit of 42 years. Challenging the same, the present writ petition has been filed.

3. Learned counsel for the petitioner has submitted that the authorities concerned unfairly restricts the upper age limit at 42 years fixed for the candidates belonging to Scs, SC(A)s, STs, MBC/DCs, BC(OBCM)s and BCM communities in the recruitment notification dated 12.12.2022, without taking into consideration of earlier recruitment process which ended undeclared. The petitioner has earlier filed a writ petition in W.P (MD)No. 3442 of 2023 seeking directions to the respondents to pass orders on the representation dated 16.12.2022 submitted to publish the results and interviews which were conducted from the year 2012 to 2020. This Court, by order dated 21.12.2023, directed the authorities concerned to pass orders on the said representation, within a period of four weeks.



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4. Learned counsel for the petitioner has further submitted that without declaring the results of previous interviews participated by the petitioner, the respondent authorities ought not to have issued a fresh recruitment notification restricting the age limit and proceed with the recruitment process. Hence the petitioner has submitted a representation dated 16.12.2022 to the authorities concerned and the same rejected by the 2nd respondent by order dated 29.09.2024, which is impugned in the writ petition.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. Admittedly, the petitioner had participated in several recruitment process from the years 2009 to 2020. The petitioner has earlier filed a writ petition in W.P.No. 3442 of 2023 seeking directions to the respondents to consider the representation dated 16.12.2022 submitted for publishing the results of the interviews which were conducted in the year 2012 to 2020. The writ petition was disposed of by this Court, directing the respondent authorities to consider the said representation



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and pass orders within a stipulated time. Since the petitioner was 48 years at the time applying for the recruitment, as per notification dated 12.12.2022, his application was rejected by the respondent authorities, as the upper age limit was fixed for other than reserved communities as 37. Hence, the present writ petition has been filed challenging the upper age limit fixed in the recruitment notification dated 12.12.2022.

7. The determination of age limits for recruitment by the authorities is a policy decision made within the framework of existing laws and regulations. Such decisions are typically based on the nature of the job. The Courts generally refrain from interfering in the policy decisions unless there is a clear violation of constitutional or statutory provisions.

8. It is not the case of the petitioner that there is violation in recruitment process, it is only a grievance of the petitioner that he could not apply for the post due to being over age, for which he had submitted representation and the same was considered and rejected by the 2nd respondent. The petitioner has failed to demonstrate any violation of statutory provisions in the recruitment process and there is no ground for



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interference by this Court. Accordingly, the writ petition is liable to be dismissed.

9. In the result, the writ petition is dismissed. No costs.

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msv

Index:Yes/No

Speaking order/Non-speaking order

To

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2. The Member Secretary,
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V.BHAVANI SUBBAROYAN,J.

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