



WP.(MD).Nos.1345, 1433 and 4573 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)Nos.1345, 1433 and 4573 of 2024
and

W.M.P.(MD)Nos.1388, 1389, 1391, 1392, 1476, 1477, 1479,
1481, 4408, 4410, 4414 and 4415 of 2024

S.Sujatha	... Petitioner in W.P.(MD)No.1345 of 2024
S.Satheesh Kumar	... Petitioner in W.P.(MD)No.1433 of 2024
C.Priya	... Petitioner in W.P.(MD)No.4573 of 2024

Vs.

- 1.The Director of Collegiate Education,
College Road, Chennai – 600 006.
 - 2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai – 600 034.
 - 3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.
 - 4.The Secretary,
Sri Devi Kumari Women's College,
Kuzhithurai Post,
Kanniyakumari District.
 - 5.The Principal,
Sri Devi Kumari Women's College,
Kuzhithurai Post,
Kanniyakumari District.
- ... Respondents in all cases

PRAYER in W.P.(MD)No.1345 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification dated 05.12.2023 (Vide Proceedings in Va.Aa.No. 321/Sae.Ma.THo.A/Ka.Ku dated 05.12.2023) issued by the 4th respondent, quash the same in so far as prescribing the age limit as per the Government Rules thereby fixing the age limit as 32 and 34 for



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General Category and Most Backward Class Category respectively for all the posts in the 4th respondent college and further direct the fourth respondent to permit the petitioner to participate in the recruitment/selection process for all the posts more particularly to the post of Lab Assistant in the fourth respondent college in the light of the orders of this Hon'ble Court dated 01.02.2022 in W.P.(MD)No.1760 of 2022.

PRAYER in W.P.(MD)No.1433 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification dated 05.12.2023 (Vide Proceedings in Va.Aa.No. 321/Sae.Ma.THo.A/Ka.Ku dated 05.12.2023) issued by the 4th respondent, quash the same in so far as prescribing the age limit as per the Government Rules thereby fixing the age limit as 32 and 34 for General Category and Backward Class Category respectively for all the posts in the 4th respondent college and further direct the fourth respondent to permit the petitioner to participate in the recruitment / selection process for all the posts more particularly to the post of Record Clerk in the fourth respondent college in the light of the orders of this Hon'ble Court dated 28.01.2022 in W.P.(MD)No.1614 of 2022.

PRAYER in W.P.(MD)No.4573 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification dated 05.12.2023 (Vide Proceedings in Va.Aa.No. 321/Sae.Ma.THo.A/Ka.Ku dated 05.12.2023) issued by the 4th respondent, quash the same in so far as prescribing the age limit as 32 and 37 for General Category and SC (Arunthathiyar) Category for the post of Office Assistant in the 4th respondent college and further direct the 4th respondent to permit the petitioner to participate in the recruitment/selection process for the post of Office Assistant in the 4th respondent college in the light of the orders of this Hon'ble Court dated 16.08.2022 in W.P.(MD)No.12491 of 2022.

For Petitioner (in all W.Ps.)	: Mr.T.Cibi Chakraborty
For Respondents 1 to 3 (in all W.Ps.)	: Mr.N.Ramesh Arumugam Government Advocate
For Respondents 4 & 5 (in all W.Ps.)	: Mr.R.Sankarganesh



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COMMON ORDER

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These Writ Petitions have been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned notification dated 05.12.2023 (Vide Proceedings in Va.Aa.No. 321/Sae.Ma.THo.A/Ka.Ku dated 05.12.2023) issued by the fourth respondent, in so far as prescribing the age limit as per the Government Rules thereby fixing the age limit as 32 and 34 for General Category and Backward Class Category respectively for all the posts in the 4th respondent college and to direct the fourth respondent to permit the petitioner to participate in the recruitment/selection process for all the posts more particularly to the post of Lab Assistant and Record Clerk respectively in the fourth respondent college in the light of the orders of this Court dated 01.02.2022 in W.P.(MD)No.1760 of 2022 and dated 28.01.2022 in W.P.(MD)No.1614 of 2022 respectively.

2.The fourth respondent College is administered by the Department of Hindu Religious and Charitable Endowments Department (herein after referred to as HR & CE). The Joint Commissioner, HR & CE, Kanyakumari at Suchidram is the Secretary of the College. The College is affiliated to Manonmanium



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Sundaranar University, Tirunelveli. The College offers both aided and self- financing courses. The Education Department I.e., the 1st respondent Director has sanctioned both teaching as well as non-teaching posts for the Aided sections of the College. So far as non teaching posts are concerned, there are 28 posts in the college.

3.The writ petitioner in W.P.(MD)No.1345 of 2024 was appointed as a Junior Assistant on temporary basis by the respondents 4 and 5 during the year 2011. Even though at the time of petitioner's appointment, though almost all the aided and sanctioned posts under the aided section of the fourth respondent College were lying vacant, for the reasons known to the respondents 4 and 5, the petitioner was appointed in the self-financing stream and she was orally ensured by the respondents that she would be regularized in any one of the regular aided post available in the College namely, Store Keeper, Record Clerk, Office Assistant, Library Assistant, Lab Assistant, as and when the Education Department give permission to fill up the post.

4.The writ petitioner in W.P.(MD)No.1433 of 2024 was appointed by the respondents 4 and 5 as a Watchman on temporary



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basis during the year 2009 even though almost all the aided and sanctioned posts under the aided section of College were lying vacant. However, the respondents orally assured the petitioner that he will be regularized in any one of the regular aided posts available in the College in future.

5.The writ petitioner in W.P.(MD)No.4573 of 2024 was appointed by the respondents 4 and 5 in the post of Office Assistant in a vacancy which arose due to the resignation of one Ms.Rajyam, on 02.03.2009 on temporary basis in the self-financing stream.

6.While so, the first respondent vide proceedings dated 12.01.2021, granted permission to fill up 12 non teaching posts under the aided Section. Immediately all the petitioners had sent their respective representations on 10.02.2021 to the fourth respondent College requesting to appoint them in any of the suitable vacancies in the regular/sanctioned posts namely, Store Keeper, Record Clerk, Office Assistant, Library Assistant, Lab Assistant as per their education qualification considering the services rendered by them in the College since 2009 and 2011 respectively. The fifth respondent on receipt of the said



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representations from the petitioners and other non Teaching staffs under the self-financing stream with similar request forwarded the same to the fourth respondent College vide proceedings dated 10.02.2021. In the said proceedings of the Principal which was forwarded, a recommendation to appoint the petitioners in regular posts in aided Section was also enclosed. However, no orders were passed on the same. Therefore, the petitioners filed Writ Petitions before this Court in W.P.(MD)Nos.3428 of 2021, 3433 of 2021 and 3418 of 2021 respectively and this Court vide order dated 02.03.2011 directed the respondents 3 and 4 to consider the petitioner's representation dated 10.02.2021 and pass appropriate orders in accordance with law.

7.Pursuant to the same, the fourth respondent College issued a proceedings dated 15.06.2021 rejecting the petitioner's request for regularization for the reason that the petitioners have been working in the self finance stream of the College. While so, the first respondent Director vide proceedings dated 22.05.2022, revalidated his earlier proceedings dated 12.01.2021 by granting prior permission to the fourth respondent College to fill up 12 non Teaching posts including two posts of Junior Assistant and two



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posts of Office Assistant. The fourth respondent took steps to conduct the selection process for 12 non Teaching posts in a hurry burry manner. Anticipating the fact that the respondents 4 and 5 will not regularise the petitioners' appointment, they were constrained to file three more Writ Petitions in W.P.(MD)Nos.1760 of 2022, 1614 of 2022 and 12491 of 2022 respectively before this Court, challenging the proceedings of the fourth respondent dated 15.06.2021 seeking for a direction to the fourth respondent College to absorb the petitioners in the suitable posts in the non Teaching cadre. This Court disposed of W.P.(MD)No.1760 of 2022 by order dated 01.02.2022 and the relevant portion of which is extracted as follows:-

“6. It appears that the petitioner was appointed as Junior Assistant under the Self ~ Finance Scheme in the fourth respondent College and she has sought regularization of her services in W.P. (MD) No. 3428 of 2021 before this Court. This Court, while disposing the Writ Petition in W.P. (MD) No.3428 of 2021, directed the respondents to consider the representation of the petitioner dated 10.02.2021. Complying with the order of this Court, the respondents have passed the impugned order on 15.06.2021. The petitioner who is working in self finance scheme cannot claim as a matter of right. However, the petitioner is at liberty to participate in the selection process to the post of Junior Assistant, as and when the third respondent is inclined to fill up the same in accordance with law.



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7. Accordingly, this Writ Petition is disposed of. No costs.”

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8. Similarly W.P.(MD)No.1614 of 2022 was disposed of by this Court by order dated 01.02.2022 and the relevant portion of the same is extracted as follows:-

“6. It appears that the petitioner was appointed as Watchman under the Self-Finance Scheme in the fourth respondent College and he has sought regularisation of his services in W.P.(MD).Nos.22636 of 2020 and 3433 of 2021 before this Court. This Court, while disposing the writ petition in W.P.(MD).No.22636 of 2020, has observed that the appointments are to be made strictly in accordance with recruitments rules in force and the appointment can never be claimed as a matter of right, and a direction was given to the fourth respondent College to conduct a selection afresh for appointment to the post of Watchman. Since this Court has already passed the order, subsequent representations for placing him in regular time scale of pay without conducting any selection process, cannot be sustained. Therefore, this Court is not inclined to interfere with the orders of the third respondent. However, the petitioner is at liberty to participate in the selection process to the post of Watchman, as and when the third respondent is inclined to fill up the same in accordance with law.”

9. This Court disposed of W.P.(MD)No.12491 of 2022 vide order dated 16.08.2022 and the operative portion of the same is extracted as follows:-

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“4.In view of the limited prayer sought for by the petitioner, the Writ Petition stands disposed of with a direction to the fourth and fifth respondents herein to permit the petitioner to participate in the selection process that may arise to the post of Office Assistant in the Aided Department, subject to satisfying all other essential qualifications / requirements. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.”

10.While the petitioners were under the bonafide belief that they would be permitted to participate in the recruitment/selection process by the fourth respondent College, the fourth respondent issued impugned notification dated 10.01.2023, vide proceedings dated 09.01.2023 inviting candidates for filling up the vacancy posts of Typist, Store Keeper, Record Clerk, Office Assistant, Library Assistant, Lab Assistant in the fourth respondent College. The petitioners are eligible to be considered for all the posts except Typist and the petitioner in W.P.(MD)No.1345 of 2024 made application for the post of Lab Assistant on 02.01.2024, while the petitioner in W.P.(MD)No.1433 of 2024 made application for the post of Record Clerk on 02.01.2024. The petitioner in W.P.(MD)No. 4573 of 2024 made application for the post of Office Assistant. But to the shock of the petitioners in the impugned notification, the fourth respondent has fixed the age limit as 32 and 34 for general

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category and MBC category respectively. In view of the said fixation of age limit, the fifth respondent orally informed that they would not be in a position to consider the petitioner's application for the posts of Lab Assistant, Record Clerk and Office Assistant respectively. Hence, the petitioners filed Writ Petitions in W.P. (MD)Nos.1994 of 2023 and 1930 of 2023 before this Court seeking to direct the respondents 1 to 5 to consider the petitioners' application for the post of Lab Assistant, Record Clerk and Office Assistant respectively in the fifth respondent College. This Court dismissed W.P.(MD)No.1930 of 2023 by its order dated 01.02.2023. However, W.P.(MD)No.1994 of 2023 was disposed of directing the respondents to consider the petitioner's application dated 20.01.2023 and pass appropriate orders. Later the respondents themselves cancelled the notification dated 09.01.2023.

11. Thereafter, the fourth respondent again issued the impugned notification dated 05.12.2023 inviting candidates for filling up the vacant posts of Typist, Store Store Keeper, Record Clerk, Office Assistant, Library Assistant, Lab Assistant in the fourth respondent College, wherein the candidates were instructed to submit their application on or before 06.01.2024. Pursuant to the



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same, all the petitioners made application to the fourth respondent requesting to permit them to participate in the selection process as per the orders of this Court in W.P.(MD)No.1760 of 2022 dated 01.02.2022. However, there is no response from the respondents.

12.The petitioner in W.P.(MD)No.1345 of 2024 possess an educational qualification of 12th standard and has 12 years of experience as Junior Assistant in the fourth respondent College. The petitioner in W.P.(MD)No.1433 of 2024 has an educational qualification of 10th standard and has 14 years of experience as Watchman in the fourth respondent College. The petitioner in W.P.(MD)No.4573 of 2023 has an educational qualification IX standard and has 14 years experience as Office Assistant in the fourth respondent College. All of them are fully eligible to participate in the recruitment process for all the posts except Typist post both under General/MBC/SC categories. All of them are discharging their duties in the post except Typist both under General/MBC/SC categories. All of them are discharging their duties in the fourth respondent College for more than a decade only on the fond hope they would be regularised/appointed in the fourth respondent College at one point of time. All of them are signing in the



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attendance register and are rendering service on full time basis during College hours from 09.15 a.m., to 05.00 p.m., since their respective appointments continuously without any interruption.

13.The writ petitioner in W.P.(MD)No.1345 of 2024 had been taking care of the work burden of vacant post of Junior Assistant in aided Section as well. Since their appointment having extracted the work of Junior Assistant/Watchman/Office Assistant for more than a decade, the fourth respondent is likely to deny the valid request to participate in the recruitment/selection process citing age limit. All the petitioners have lost all their years by serving in the fourth respondent and now the petitioner in W.P.(MD)No.1345 of 2024 is 44 years old and the petitioner in W.P.(MD)No.1433 of 2024 is 46 years old and the petitioner in W.P.(MD)No.4573 of 2024 is 45 years old. If they are not permitted to participate in the selection process, ultimately they would be left in lurch after putting in more than a decade of service and experience in the fourth respondent College. Challenging the recruitment notification dated 05.12.2023, these Writ Petitions are filed.



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14.Per contra the 4th and 5th respondents have filed their counter and the learned Counsel for the 4th respondent Mr.Sankar Ganesh submitted that the petitioners were engaged as daily wages staff in self finance section and they were not engaged in aided section at any point of time against the sanctioned post by following the recruitment process. Hence, the petitioners are not entitled for regularization. The factum of age limit and relaxation of age for some reserved categories are exclusively within the arena of the legislature and hence extension of relaxation of age against prevailing rules is beyond the scope of judicial review. Hence, the petitioners are not entitled for any relief in the present writ petitions. Further he reiterated that the writ petitioner instead of challenging the maximum age limit of 34 prescribed by the government rules has challenged the entire notification dated 05.12.2023 which itself is an abuse of process of law. Though the petitioners are qualified in 12th standard/10th standard/9th standard respectively and belonged to the General/Most Backward Class/Scheduled caste, they are not entitled to participate due to the disqualification of upper age. That apart, the petitioners have also joined with other staffs in a protest against the college and gave wide publicity through newspaper media and they are not



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attending the college since 21.12.2023. The petitioner's have no vested right to claim regularization and age relaxation. On this basis, he pressed for dismissal of the Writ petitions.

15.Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3, the learned Standing Counsel appearing for the respondents 4 and 5 and carefully perused the materials available on record.

16.The Hon'ble Supreme Court in the case of ***Sathya prakash & others. Vs. State of Bihar & others reported in 2010 4 SCC 179***, in a case of daily wages employees seeking regularization has dealt with the mandates of ***Umadevi 3 case reported in 2006 4 SCC 1 paragraph 53***, drawing distinction between temporary employees, daily wages and irregularly employed employees. The relevant portion of the same is extracted as follows:-

"7.We are of the view that the appellants are not entitled to get the benefit of regularization of their services since they were never appointed in any sanctioned posts. Appellants were only engaged on daily wages in the Bihar Intermediate Education Council.

*12.Then, in **Umadevi's** case in paragraph 53 the Court is*



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stated as follows:-

"One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa R.N. Nanjundappa and B.N. Nagarajan and referred to in para 15 above of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles, settled by this Court in cases above-referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover or orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date."

The Constitution Bench has, therefore, clearly drawn a distinction between temporary employees, daily-wagers and those who were appointed irregularly in the sense that there was non-compliance of some procedure in the selection process which did not go to the root of the selection process. Appellants in our view will not fall in the category of the employees mentioned in paragraph 53 read with paras 15 and 16 of the Constitution Bench Judgment.

14. Allowing the appeal preferred by the Commercial Taxes Department, this Court set aside the directions given by the High



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Court for regularization of services of those daily wage employees who had more than 10 years of service. The Court held as follows:-

" We are, therefore, of the view that, at best, the Division Bench of the High Court should have directed that wages equal to the salary that is being paid to regular employees be paid to these daily wage employees with effect from the date of its judgment. Hence, that part of the direction of the Division Bench is modified and it is directed that these daily-wage earners be paid wages equal to the salary at the lowest grade of employees of their cadre in the Commercial Taxes Department in Government service, from the date of the judgment of the Division Bench of the High Court. Since, they are only daily wage earners, there would be no question of other allowances being paid to them. In view of our conclusion, that the Courts are not expected to issue directions for making such persons permanent in service, we set aside that part of the direction of the High Court directing the Government to consider their cases for regularization. We also notice that the High Court has not adverted to the aspect as to whether it was regularization or it was giving permanency that was being directed by the High Court. In such a situation, the direction in that regard will stand deleted and the appeals filed by the State would stand allowed to that extent. If sanctioned posts are vacant(they are said to be vacant) the State will take immediate steps for filling those posts by a regular process of selection. But when regular recruitment is undertaken, the respondents in Civil Appeal No. 3595-612 and those in Commercial Tax Departments similarly situated will be allowed to compete, waiving the age restriction imposed for the recruitment and giving some weightage for their having been engaged for work in the Department for a significant period of time.'



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15. In our view, the appellants herein would fall under the category of persons mentioned in paragraphs 8 and 55 of the judgment and not in paragraph 53 of judgment of Umadevi's.

17. The appellants stated that they had undergone a selection process held fourteen years back, following an advertisement published in the year 1995 but the merit list was neither prepared nor published. Selection process, though had undertaken by the Council was not completed and now the Council is no more in existence. However, if Board proposes to undertake any regular selection process to fill up the posts, the applications, if any, submitted by the appellants may also be considered after giving age relaxation.

*18. In **Umadevi's** case in paragraph 55 of the judgment, the Constitution Bench has also permitted such persons to participate in selection process waiving the age relaxation and giving the weightage for having been engaged or worked in the department for a significant period of time."*

17. When one time relaxation was granted only in favour of irregularly appointed employees as mandated in para 53 of the **Umadevi** case, the case of daily wage employees was dealt with in paras 55 & 58 of the **Umadevi** case. In that case one time relaxation was not granted however they were allowed to compete in the recruitment process by giving them age relaxation. Claim of daily wage employees for regularisation in terms of para 53 was rejected but opportunity was granted to them to compete in the



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regular selection process undertaken by the respondents by giving them age relaxation. In the instant case in hand, in terms of the respondent submission, the petitioners were not at all appointed in any of the sanctioned post and they were appointed as daily wage employees in the self finance stream of the fourth respondent college.

18. In the *lis* in hand, the petitioners are neither illegal nor irregular appointees. The fourth respondent College is administered by the Department of HR & CE and the same is affiliated to the Manonmanium Sundaranar University. The College offers both aided and self-financed courses. Though the appointments to the various sanctioned posts in the aided stream are duly notified and the selection process is carried out with the prior permission of the first respondent in terms of the extant Rules of recruitment, as far as the appointments to the posts in the self-financing stream, there are no available Rules of recruitment. The petitioners were appointed on temporary basis during 2009 and 2011 in the self-financing stream of the fourth respondent College. Though the Hon'ble Apex Court has deprecated the practise of making appointments on contract basis or adhoc basis or daily



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wage basis way back in the case of ***State of Karnataka v.***

Umadevi (3), reported in ***2006 (4) SCC 1***, the respondents 4 and 5 having appointed the petitioners on temporary basis, now after filing of these Writ Petitions claim that they were appointed on daily wage basis.

19.The Hon'ble Apex Court in the case of ***Sheo Narain Nagar and Others v. State of Uttar Pradesh and another*** reported in ***(2018) 13 Supreme Court Cases 432***, in a similar case has heavily commented on the State for flouting the mandates of ***Umadevi*** case and the relevant portion of the same is extracted as follows:-

*“When we consider the prevailing scenario, it is painful to note that the decision in ***Uma Devi*** (Supra) has not been properly understood and rather wrongly applied by various State Governments. We have called for the data in the instant case to ensure as to how many employees were working on contract basis or ad-hoc basis or daily-wage basis in different State departments. We can take judicial notice that widely aforesaid practice is being continued. Though this Court has emphasised that incumbents should be appointed on regular basis as per rules but new devise of making appointment on contract basis has been adopted, employment is offered on daily wage basis etc. in exploitative forms. This situation was not envisaged by ***Uma Devi*** (supra). The prime intendment of the decision was that the employment process should be by fair means and not by back door entry and in the*



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available pay scale. That spirit of the *Uma Devi* (supra) has been ignored and conveniently over looked by various State Governments/ authorities. We regretfully make the observation that *Uma Devi* (supra) has not be implemented in its true spirit and has not been followed in its pith and substance. It is being used only as a tool for not regularizing the services of incumbents. They are being continued in service without payment of due salary for which they are entitled on the basis of [Article 14, 16](#) read with [Article 34 \(1\)\(d\)](#) of the Constitution of India as if they have no constitutional protection as envisaged in *D.S. Nakara v. Union of India*, AIR 1983 SC 130 from cradle to grave. In heydays of life they are serving on exploitative terms with no guarantee of livelihood to be continued and in old age they are going to be destituted, there being no provision for pension, retiral benefits etc. There is clear contravention of constitutional provisions and aspiration of down trodden class. They do have equal rights and to make them equals they require protection and cannot be dealt with arbitrarily. The kind of treatment meted out is not only bad but equally unconstitutional and is denial of rights. We have to strike a balance to really implement the ideology of *Uma Devi* (supra). Thus, the time has come to stop the situation where *Uma Devi* (supra) can be permitted to be flouted, whereas, this Court has interdicted such employment way back in the year 2006. The employment cannot be on exploitative terms, whereas *Uma Devi* (supra) laid down that there should not be back door entry and every post should be filled by regular employment, but a new device has been adopted for making appointment on payment of paltry system on contract/adhoc basis or otherwise. This kind of action is not permissible, when we consider the pith and substance of true spirit in [Uma Devi](#) (supra).”



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20. Fully fortified by the judgment of the Hon'ble Apex Court cited supra, I have no hesitation to hold that the petitioners are not back door entrants or illegal or irregular appointees, in the absence of Rule of recruitment for the self-financing stream of the fourth respondent College. However the limited relief which is sought for by the petitioners is only to permit them by relaxing their age to participate in the selection process. The field reality that all the petitioners have put in service in the self-financing stream of the fourth respondent college for more than a decade and that the petitioners in W.P.(MD)No.1345 of 2024 was 31 years of age in 2011, the petitioner in W.P.(MD)No.1433 of 2024 was 31 years of age in 2009 and the petitioner in W.P.(MD)No.4573 of 2024 was 30 years of age in 2009, that is during their respective year of appointment has been conveniently negated. Having allowed to work continuously for more than a decade continuously without interruption in the self-financing stream of the fourth respondent and having extracted/exploited work during their most productive years in life, now the fourth respondent is negating their "legitimate expectation" to be permitted to participate in the



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ensuing selection process for the cadre posts notified in the aided stream of the fourth respondent College.

21.Fully fortified by the mandates of the Hon'ble Apex Court in the case of ***Sathya prakash & others vs. State of Bihar & others reported in 2010 4 SCC 179***, this court without disturbing the impugned notification, is inclined to direct the respondents 4 and 5 to allow the petitioners to compete in the recruitment process vide the impugned notification dated 05.12.2023 by giving them age relaxation and giving the weightage for having been engaged or worked in the self-financing stream of the fourth respondent College for a significant period of time.

22.In view of the above, these Writ Petitions stands disposed of. There shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

27.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Mrn

Note: Issue order copy on **27.02.2024**.

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To

- 1.The Director of Collegiate Education,
College Road, Chennai – 600 006.
- 2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai – 600 034.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.
- 4.The Secretary,
Sri Devi Kumari Women's College,
Kuzhithurai Post,
Kanniyakumari District.
- 5.The Principal,
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L.VICTORIA GOWRI, J.

Mrn

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