



WP No.19439 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP No. 19439 of 2016

and

WMP No. 16854 of 2016

K.Muthukumar,
S/o.T.K.Krishnan,
No.3/125, Belarampatti Village,
Thirumalvadi Post,
Palacode Taluk, Dharmapuri District.

Petitioner(s)

Vs

1. The Deputy Director of Health Service,
Collector Office Compound,
Dharmapuri.

2.The Block Medical Officer,
Government Community Health Centre,
Marandahalli,
Dharmapuri-636 806.

3.M.Praveenkumar, S/o.P.Maheswaran,
No.5/108, Pillaiyar Koil Street,
Old Dharmapuri-1.

Respondent(s)



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WEB PRAYER

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of impugned proceedings in Na.Ka.No.6067/E3/2016 dated 23.05.2016 passed by the first respondent herein and quash the same as illegal and consequently direct the respondents to reinstate the petitioner into service.

For Petitioner(s): Mr.K.Gandhi Kumar

For Respondent(s): Mr.E. Sundaram (for R1 & R2)
Government Advocate
R3-No appearance

ORDER

This Writ Petition is filed to call for the records of the impugned proceedings in Na.Ka.No.6067/E3/2016 dated 23.05.2016 passed by the first respondent herein and quash the same and to direct the respondents to reinstate the petitioner into service.

2.The case of the petitioner is that he was appointed as a Driver on temporary basis by the proceedings of the first respondent, dated 29.02.2016. The petitioner's service was terminated as per proceedings in



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Na.Ka.No.6067/E3/2016 dated 23.05.2016. The reasons assigned in the impugned order is that it is an unqualified appointment due to age discrepancy.

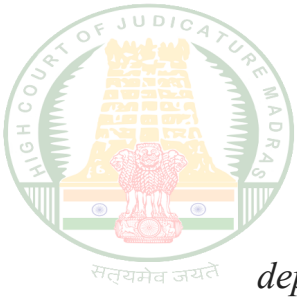
3.The learned counsel appearing for the petitioner submitted that in accordance with G.O.Ms.No.21, Labour and Employment (N2) Department dated 02.02.2000, age relaxation of upto five years is permissible, and therefore, the petitioner is entitled to the benefit of such relaxation.

4.The first respondent has filed the counter affidavit stating that the petitioner belongs to MBC category. At the time of appointment, he was aged about 32 years 7 months and 16 days, which is beyond the age limit prescribed for the post of Driver. Though it is the case of the petitioner that as per G.O.Ms.No.21, Labour and Employment (N2) Department dated 02.02.2000, age relaxation is applicable to all the applicants, the age stipulated by the respondents for the post of Driver is only 32 years. Further, in the counter affidavit it is stated as follows:

“9.It is submitted that again this petitioner is not employment exchange sponsored candidate.

He has applied the Driver post knowing from paper advertisement dated 18.01.2016 in the Dinaboomi.

In the paper advertisement itself the first respondent has notified the upper age limit for MBC candidate is 32 and there is no mention in the paper advertisement that as per G.O.21 Labour



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department the age relaxation is applicable for all applications.

In the Employment Exchange sponsored list also there is no mention that as per G.O.21 Labour Department age relaxation is applicable and as per G.O.21 the list has been furnished for selection of candidate for the post of Driver.

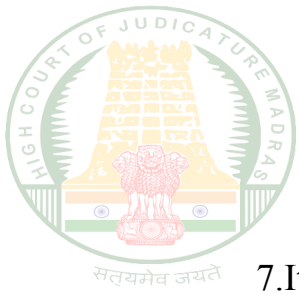
Hence, the candidates has himself asked for age relaxation over ruling the paper advertisement, Employment Exchange notification for himself alone for which age relaxation cannot be given.

Hence, this candidate Mr.Muthukumar knowing fully that he is over aged hence, ineligible for the post Driver has applied for the post with wrong intention to get job.

Hence, this candidate is ineligible and not fully qualified for the post of Driver. ”

5.Heard the learned counsel appearing on behalf of the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 & 2.

6.By an order dated 19.06.2025, this Court has directed the petitioner to produce birth certificate to prove his age. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner produced the petitioner's SSLC mark statement and Transfer Certificate issued by the Directorate of School Education, which reflects the date of birth of the petitioner as 15.05.1982.



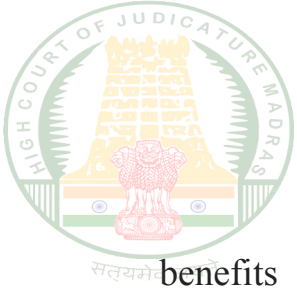
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7.It is the specific case of the respondents 1 & 2 that based on the notification given in Dinaboomi on 18.01.2016, 32 candidates applied for the post of Driver and the age limit was fixed as 32 years. In the previous occasion, the learned Government Advocate appearing for the respondents 1 & 2 disputed the age of the petitioner. However, the learned counsel appearing for the petitioner produced the school certificates of the petitioner, which reflects the date of birth of the petitioner as 15.05.1982. Though the counter reflects that in the advertisement given in Dinaboomi, there was no mention that age relaxation as per G.O.Ms.No.21, Labour and Employment (N2) Department dated 02.02.2000, such an argument cannot be taken into consideration, as the Government Order is applicable to everyone

8.The impugned order was passed without giving a showcause notice, without conducting an enquiry and without giving an opportunity of personal hearing to the petitioner, which violates the right of the employee/petitioner. In view of the above, the impugned proceedings in Na.Ka.No.6067/E3/2016 dated 23.05.2016 passed by the first respondent is hereby set aside.

9.In fine, this Writ Petition is allowed with a direction to the respondents to reinstate the petitioner in service with all attendant benefits. It is made clear that the petitioner is not entitled to any backwages and also other monetary



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benefits during the period in which he was not in service. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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