



WEB COPY

W.A.No. 703 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.703 of 2025
and
C.M.P.No. 5999 of 2025

P.Veera Muthu

... Appellant

Vs.

1.State of Tamil Nadu

Rep. By its Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600009.

2.State of Tamil Nadu

Rep. By its Principal Secretary to Government,
Law Department,
Secretariat, Chennai - 600 009.

3.The Director of Legal Studies,
Purasaivakkam High Road,
Kilpauk, Chennai.

4.The Secretary
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai
DPI Campus, College Road
Chennai - 600006.



5. The Registrar,
The Tamil Nadu Dr. Ambedkar Law University
Perungudi Campus, M.G.R. Salai
Near Taramani (MRTS) Railway Station
Chennai - 600 113.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 27.02.2025 made in W.P.No.5860 of 2024.

For Appellant : Mr.K.Kannan

For Respondents : Mr.D.Ravichander

Special Government Pleader for R1 to R3

Mr.K.Sathish Kumar,

Standing Counsel for R4

Mr.M.Nallathambi for R5

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge is to the dismissal of the writ petition filed by the appellant seeking to quash the notification issued on 24.01.2025 in so far as the age criteria is concerned and consequently direct the Authorities to relax and amend the Government Order in G.O.Ms.No.233, Law (LS) Department dated 11.04.2022 and permit the petitioner to participate in the selection process.



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2. The entire dispute centres on the age criteria prescribed for the post of Assistant Professor in Law in the Government Law Colleges in the State.

Under G.O.Ms.No.233, Law (LS) Department, the special rules for Tamil Nadu legal Educational Service were re-issued and as per the special rules, the outer age limit for appointment as Assistant Professor in Government Law Colleges was fixed as 40 years. A proviso was appended to the effect that a person who has been working as Teacher in another Law College in the State can claim an increase in age limit by one year for each year of teaching experience, subject to maximum of five years. Therefore, the maximum age limit is 40+5 in cases where, the person was employed as a teaching staff in any one of the Law Colleges in the State. Pursuant to these special rules, the notification was issued on 24.01.2025, calling for applications.

3. The petitioner challenges the age criteria on the ground that the outer age limit prescribed by Dr.Ambedkar Law University is 57 and therefore, fixation of 40 as outer age limit is flawed. The Writ Court has rejected the claim on the ground that it is for the appointing authority to fix



the age limit and in the absence of challenge to the special rules, a challenge to the notification cannot be entertained. Hence, this appeal.

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4. We have heard Mr.K.Kannan, learned counsel for the appellant, Mr.D.Ravichander, learned Special Government Pleader for R1 to R3 , Mr.K.Sathishkumar, learned standing counsel for the 4th respondents and Mr.M.Nallathambi, learned Standing Counsel for the 5th respondent.

5. While Mr.K.Kannan, learned counsel appearing for the appellant would vehemently urge that the fixation of outer age limit at 40 has to be interfered with as the Dr.Ambedkar Law University has fixed the outer age limit at 57. We do not think, we can entertain such a plea. Fixation of outer age limit for another service is within the powers of the employer and it is for the employer to fix the outer age limit. This court cannot substitute its discretion and relax the age limit unless there is a specific provision for such relaxation in the rules concerned. Moreover, G.O.Ms.No.233, Law (LS) Department which re-issues the special rules is not under challenge and those special rules were also framed pursuant to the directions issued by a Division Bench of this Court.



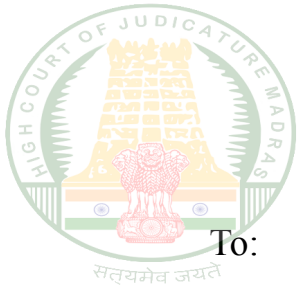
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6. Unless the special rules are challenged, the prayer of the petitioner for quashing notification which is issued under the special rules cannot be entertained. Even otherwise, as we have already indicated, this Court cannot interfere in the matter of fixation of age by the employer. If the University in its wisdom choses to accommodate older persons to teach Law, that cannot be a ground to enforce the same wisdom in the Law Department of the Government. We therefore, do not see any reason to interfere with the order of the writ Court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
12.03.2025

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Index: No
Speaking order
Neutral Citation : No



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