

WEB COPY

W.P.No.19088 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.19088 of 2023

and

WMP.No.18338 of 2023

S.Kavitha

... Petitioner

Vs.

1.The State Of Tamilnadu

Rep. By Its Principal Secretary To Government,
Adi Dravidar And Tribal Welfare Department,
Fort St. George, Secretariat, Chennai - 600 009.

2.The Commissioner,

Adi Dravidar Welfare Department, Chepauk, Chennai - 600 005.

3.The Collector

Tirupattur District, Thiruppattur 635 601

4The District Adi Dravidar Welfare Officer

Tirupattur District, Tirupattur 635 601

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Call the records relating to the impugned order issued by the by the 3rd respondent in K1 / 195 -4 / 2023 dated 14.03.2023 and to quash the



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same and consequently, directing the Respondents to allow the petitioner to continue to work in the post of Cook based on the order of appointment issued by the 4th respondent Na.Ka1 / 17113 /2018-5 dated 11.11.2020, with all consequential and other attendant benefits.

For Petitioner :M/s.S.Nedunchezhiyan

For Respondents :M/s.P.Kumaresan, AAG assigned by
Mr.G.Nanmaran, Spl.GP
for R.1 to R.4

ORDER

The Writ Petition is filed for the following reliefs:-

"Call the records relating to the impugned order issued by the by the 3rd respondent in K1 / 195 -4 / 2023 dated 14.03.2023 and to quash the same and consequently, directing the Respondents to allow the petitioner to continue to work in the post of Cook based on the order of appointment issued by the 4th respondent Na.Ka1 / 17113 /2018-5 dated 11.11.2020, with all consequential and other attendant benefits."



2. The petitioner would submit that she belongs to Hindu Adi Dravidar community which is classified as a Scheduled Caste (SC).

She had studied only upto 10th standard (failed) and registered herself in the Employment Exchange.

3. The District Collector, Vellore had issued a paper advertisement to fill up the Post of Cook and Sanitary workers coming under the Adi Dravidar and Tribal Welfare Department. The qualification for the above-mentioned posts has been prescribed as 10th standard fail and experience in cooking. In the said advertisement, the age limit has been prescribed as 35 years as on 01.07.2019 and the applicant should be a resident of Vellore District.

4. The petitioner would submit that as per G.O.Ms.No.21, Labour and Employment Department dated 02.02.2000, the petitioner is entitled to age relaxation of three years. Accordingly, as per the Government Order, the petitioner had applied for the post of Cook. Thereafter, she was called for an interview and certificate verification. She had attended the interview and all her certificates were duly

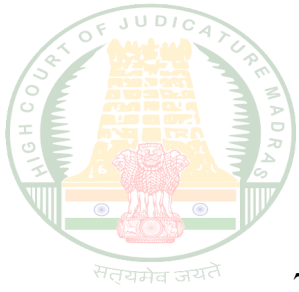


verified by the official concerned.

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5. Vide appointment order of the District Adi Dravidar and Tribal Welfare, Vellore dated 11.11.2020, the petitioner was selected to the post of Cook and was posted as a Night Watchman in the Government ADW, Girls Hostel, Vaniyambadi.

6. While so, the 3rd respondent vide his impugned order dated 14.03.2023 terminated the services of the petitioner on the ground that the petitioner was over-aged on the date of appointment. The petitioner would submit that the impugned order has been passed unilaterally without giving an opportunity to the petitioner to put forth her case and therefore the same is in violation of the principles of natural justice. That apart, while passing the impugned order, the 3rd respondent had not taken into consideration GO.Ms.No.21 dated 02.02.2000, according to which the petitioner is entitled to an age relaxation of 3 years. Therefore, challenging the impugned order passed by the 3rd respondent, the petitioner is before this Court.



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7. Heard the learned counsel on either side and perused the records.

8. A mere perusal of the impugned order would indicate that it has been passed unilaterally, without affording the petitioner an opportunity to put forth his case, and is therefore in violation of the principles of natural justice. That apart, while passing the impugned order, the 3rd respondent had not taken into consideration GO.Ms.No.21 dated 02.02.2000, according to which the petitioner is entitled to an age relaxation of 3 years.

9. Further, in the judgement passed by this Court in W.A.Nos.3809 & 3816 of 2024 and 14 of 2025 dated 18.02.2025 wherein the learned Judges had discussed the similar issue, after extracting the first proviso to sub-section (8) of Section 20 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 had held that all these candidates would be entitled to an addition of another 5 years, thereby taking the maximum age limit to 40 years. In



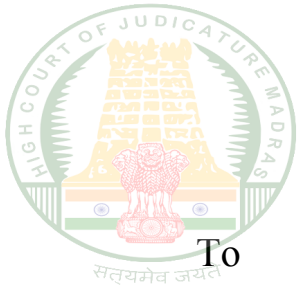
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the case on hand, even according to the impugned order, the age of the petitioner at the time of advertisement is only 38 years 1 month and 10 days, which is below 40 years. Therefore, the ground on which the impugned order has been passed cannot be sustained and is liable to be set aside.

10. In fine, the Writ Petition is allowed. The impugned order passed by the 3rd respondent is set aside. The respondents are directed to allow the petitioner to continue to work in the post of Cook based on the order of appointment issued by the 4th respondent dated 11.11.2020, with all consequential and other attendant benefits. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.08.2025

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No



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P.T. ASHA. J.,

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(3/3)