



W.A.No.3341 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.A.No.3341 of 2025
and
C.M.P.No.27270 of 2025**

1. The Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Adi-Dravidar Welfare,
Chepauk,
Chennai - 5.
3. The District Collector,
Dharmapuri District,
Dharmapuri.

... Appellants

-Vs-

C.Sakthivel

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 02.04.2025 in W.P.No.29916 of 2024.



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For Appellants : Mr.P.Muthukumar
Additional Advocate General
assisted by Mr.S.John.J.Raja Singh
Additional Government Pleader

For Respondent : Mr.S.Kamadevan

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 02.04.2025 made in W.P.No.29916 of 2024.

2. The respondent was the writ petitioner who was appointed as Cook by the appellant Department in a Hostel called “Dr.Ambedkar Government Adi-Dravidar Welfare College Hostel, Dharmapuri”. He belongs to Scheduled Caste Community and he has completed 10th Standard. Therefore, commensurate with his educational qualification and other aspects, he was to be appointed as a Cook and accordingly he was appointed.

3. However, insofar as the upper age limit is concerned, he crossed 35 years which was the maximum upper age prescribed in this regard and on that ground alone, his appointment order was canceled by order dated 26.09.2024,



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challenging the same, the said writ petition was filed.

4. The learned writ Court having considered the factual matrix has followed the Division Bench judgment of this Court made in W.A.Nos.3809 & 3816 of 2024 and W.A.No.14 of 2025 dated 18.02.2025, whereby the similar issue had been dealt with by the Division Bench in detail and the writ appeals filed by the employer Department were dismissed.

5. Therefore, the learned Judge has followed the said Division Bench judgment and allowed the present writ petition through the impugned order. Assailing the same, though Mr.P.Muthukumar, learned Additional Advocate General appearing for the appellants would contend that, yet another Division Bench judgment has been there on the same issue in W.A.(MD)Nos.416 of 2023 etc., batch dated 29.11.2023, where a different view has been taken and therefore, the present approach of the writ Court through the impugned order by following the Division Bench judgment made in W.A.Nos.3809 of 2024 etc., batch dated 18.02.2025 may be an erroneous one, hence on that ground, he wants indulgence of this Court against the impugned order.

6. We have been informed by Mr.S.Kamadevan, learned counsel appearing for the respondent / writ petitioner that the Division Bench judgment dated



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18.02.2025 made in W.A.Nos.3809 of 2024 etc., batch has already been implemented by the very same Department.

7. We have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

8. The fact remains that the Division Bench judgment dated 18.02.2025 has become final as they have implemented the said order. When that being so, nothing wrong in implementing the present order also.

9. It is also contended by the learned Additional Advocate General appearing for the appellants that, since the order of the Division Bench dated 18.02.2025 is confined to Ariyalur District of the State of Tamil Nadu, only in respect of that District, that order of the Division Bench dated 18.02.2025 has been implemented.

10. Once the issue has been concluded by the orders of this Court which has been accepted by the State by the very same Department and implemented, it cannot be confined only to one Revenue District and therefore, that defence taken by the learned Additional Advocate General is not impressing us.



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11. Moreover, here is not the case of the appellant employer that there is no eligibility for the respondent / writ petitioner to hold the post of Cook. The only objection was that, the upper age limit of 35 years has already been crossed by him.

12. In many such appointments, that kind of upper age limit if it is crossed by the employees, wherever it is necessary, age relaxation is granted as that kind of provisions are available in the relevant Service Rules. Therefore, here in this case also, such relaxation can very well be given to the respondent / writ petitioner with regard to upper age limit.

13. Moreover, the post where the respondent / writ petitioner was appointed is only a Cook in the Hostel and there could be no other promotional avenue for the post of Cook, therefore nothing wrong in giving such age relaxation of upper age limit. Therefore, the hard stand taken by the appellant employer opposing such grant of relaxation despite the order having been passed by the Court is not impressing us. Moreover, since the learned Judge has followed the judgment of the Division Bench dated 18.02.2025 which has



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admittedly been implemented by the appellant Department which is the very same Department, no exception can be taken in implementing the present order which is impugned herein.

14. In that view of the matter, we do not find any error in the approach of the learned Judge in allowing the said writ petition through the impugned order, as a result of which, this Writ Appeal fails and hence, it is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
06.11.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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HEMANT CHANDANGOUDAR, J.**

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