



W.P.(MD)No.19431 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.19431 of 2019

X.Sahaya Rathinasamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by Secretary,
Department of Transport,
Secretariat Building,
Fort St.George,
Chennai.

2.The Managing Director,
TNSTC Limited,
Madurai Road,
Bye-pass Road,
Palanganatham,
Madurai District.

3.The General Manager,
TNSTC Limited,
Bye-pass road,
Dindigul District.

4.The District Collector,
District Collectorate,
Dindigul District.

5.The District Employment Officer,
District Employment Office,
Dindigul District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the fifth respondent to sponsor the name of the petitioner to the second respondent for appointing him into the service as a Conductor or sponsor his name to any of the job in any of the department in the State Government within the stipulated time.

For Petitioner : Mrs.M.Benazir Begum

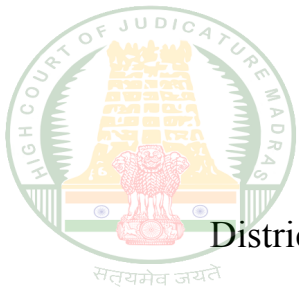
For R1, R4 & R5 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

For R2 & R3 : Mr.J.Senthil Kumaraiah

ORDER

This writ petition has been filed seeking a direction to the fifth respondent to sponsor the name of the petitioner to the second respondent for appointing him into the service as a Conductor or sponsor his name to any of the job in any of the department in the State Government.

2.The case of the petitioner is that he had registered his name in the Employment Exchange on 01.03.2000 itself. He belonged to Backward Community. The District Employment Officer, Dindigul



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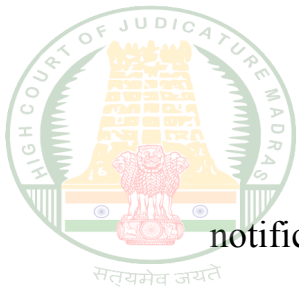
District had sponsored certain names of Backward Community to the Managing Director, TNSSTC Limited, Madurai District for the selection to the post of Conductor, but ignored his name persistently. From the year 1972, the second respondent called huge number of Conductors and Drivers for interview through newspaper advertisement and by receiving a list of sponsored candidates from employment exchange. The petitioner's name has been purposefully not sent, thereby the chance of getting employment is denied and he is now over-aged and his candidature cannot be considered. After 2010, the maximum age limit for SC/ST category is increased in the selection of Conductor. His claim could have been considered as special one. The respondents 2 & 3 cannot try to wash their hands stating that he crossed upper age, because, he had registered his name in the year 2000 itself. Due to the delay in sponsoring his name for government job, he reached upper age limit. Thus, the act of the fifth respondent appears to be fishy. He sent a detailed representation to the fifth respondent seeking a standard job in any of the departments in the Government of Tamil Nadu. But, there is no fruitful result happened due to lethargic attitude towards his reasonable claim. Hence, the writ petition.



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3.The learned counsel appearing for the petitioner would submit that due to the act of the District Employment Exchange in non-sponsoring his name to the Government job, he reached upper age limit. She would submit that the petitioner's name has been purposely not sent and thereby, the chance of getting employment is denied. The petitioner's claim could have been considered as a special one, to that effect, he had sent a detailed representation to the fifth respondent seeking a standard job in any of the departments in Government of Tamil Nadu. To strengthen her contentions, she has relied upon the decision of this Court in W.P.No.34373 of 2017 dated 14.06.2019 to show that when the writ petitioner has registered his name in the District Employment Exchange, he ought to have been called for interview after sponsoring his name by the Employment Exchange Office.

4.Per contra, the learned Additional Government Pleader appearing for the respondents 1, 4 & 5 would submit that the candidates are being sponsored by the District Employment Exchange based on the Government Rules in force. He would submit that the candidates are being sponsored based on the seniority, age, educational qualifications and communal reservation as prescribed by the employer in their



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notification. He would submit that a direction cannot be issued to the sponsoring authority to sponsor the name of the writ petitioner and prayed to dismiss this writ petition.

5.This Court has considered the submission made on either side and perused the available records.

6.It is seen from the records that the petitioner had registered his name in the employment exchange on 01.03.2000. It is pertinent to mention that the candidates are sponsored based on their seniority, age, educational qualifications and communal reservation as prescribed by the employer in their notification as and when called for. The fifth respondent has filed a counter affidavit wherein it has been stated that the candidates are being sponsored by District Employment and Career Guidance Centre, based on the Government Rules in force. It is also stated that the District Employment and Career Guidance Centre sponsors candidates registered in the District to the vacancies notified to their office as per the rules in force. It is relevant to extract the paragraph No.6 of the counter affidavit filed by the fifth respondent as follows:-



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6.It is submitted that the G.O. (Ms.) No. 44 Labour and Employment (T2) Department, dated 11.03.2015 was issued for the implementation of the Judgment of the Hon'ble High Court in W.A.No. 1027 of 2013 and M.P.No.1 of 2013 dated 09.06.2014.

"In the Judgment read above, the Hon'ble High Court has dismissed the Writ Appeal filed by the Director of Employment and Training, reiterating that posts should be filled up by issuing advertisement in at least 2 newspapers out of which one must be in vernacular language having wide circulation in the respective State, apart from calling for list from the Employment Exchange in order to comply with Articles 14 and 16 of the Constitution of India".

7.It is not in dispute that the petitioner has been crossed upper age limit and if at all, the petitioner wants employment in the Government Office, he has to apply to the post as and when the notification has been called for and he has to participate in the selection process. Without doing so, submitted a representation before the District Employment Exchange Office would not serve any purpose. There is no merit in this writ petition and the same is liable to be dismissed.



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8.In the result, this writ petition is dismissed. No costs.

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NCC : Yes / No
Index : Yes / No
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To

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- 3.The District Employment Officer,
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M.JOTHIRAMAN, J.

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