
(2008) 01 MAD CK 0040

In the Madras High Court

Case No : Writ Petition No. 28940 of 2007 and M.P. No. 1 of 2007

K. Murugan

APPELLANT

Vs

The District Collector

RESPONDENT

Date of Decision : 24-01-2008

Acts Referred:

Citation : (2008) 01 MAD CK 0040

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : T. Sellapandian, for the Appellant; Bhavani Subbaroyan, AGP, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—Heard Mr. T. Sellapandian, learned Counsel appearing for the petitioner and Mrs. Bhavani Subbaroyan, learned

Additional Government Pleader representing the respondent and perused the records.

2. The petitioner claimed that he belongs to Scheduled Caste community and had passed his S.S.L.C. in the year 1982 and Diploma in Civil

Engineering in the year 1985. He also got his name registered in the Employment Exchange in the year 1985. He was called for an interview for the

post of Draughting Officer in the Adi Dravida Welfare Department and he was not selected. During the year 1999, when the list was called for

from the Employment Exchange for the appointment to the post of Draughting Officer in the Adi Dravida Welfare Department, the petitioner's

name was not sponsored as he has not had his requisite seniority among the list of registered candidates. Thereafter, since there was a ban

imposed by the Government from the year 2001-06, there was no recruitment. The ban was lifted only in the year 2006. The District Rural

Development Department, Krishnagiri, asked for the list of names from the Employment Exchange for the post of Junior Draughting Officer and the

petitioner's name was sponsored as No. 1 in the seniority. By a communication dated 10.7.2007, he was asked to appear for an interview on

16.7.2007 and the petitioner attended the said interview but he was not selected. Therefore, he sent a representation for which a communication

dated 07.8.2007 was sent stating that the petitioner had crossed 40 years, which is the upper age prescribed for any employment in the Rural

Department and Panchayat Raj Engineering Service Rules. It is this communication dated 07.8.2007 that is now challenged in the writ petition.

3. The respondent District Collector has filed a counter affidavit dated 27.10.2007 and justified the denial of employment to the petitioner as he

had exceeded the age limit prescribed for the post. It was stated that under the Tamil Nadu Panchayat Development Engineering Subordinate

Service Rules, those who have completed 40 years of age on first July of the year in which the appointment is made, are not eligible to be

appointed by direct recruitment to the post of Junior Draughting Officer. Though the petitioner's name was sponsored by the Employment

Exchange, on certificate verification, it was found that the petitioner had crossed the upper age limit. The attention of the respondent was also

drawn by the Government letter dated 11.5.2007 stating that the Special Rules will have to be followed in the matter of recruitment of Junior

Draughting Officers strictly as per the Rules and under the existing Special Rules, those who have completed 40 years of age (35+5) are not

eligible for appointment of direct recruitment.

4. However, the learned Counsel appearing for the petitioner wants to have the advantage of age relaxation available to them under the Special

Rules and further on top of it, wants to avail the general concession given by the Government due to ban imposed on direct recruitment. The

petitioner cannot have the benefit of both rules and it is for the Government to fix the upper age limit for entry in any Government post. In the

absence of any enabling provision in favour of the Government, the petitioner cannot as a matter of right claim double exemption.

5. Under the circumstances, the writ petition is misconceived and devoid of merits. Accordingly, the same stands dismissed. However, there will be no order as to costs. Connected Miscellaneous Petition is closed.