

Case relating to Age and qualification:**Parties** : G. Vasantha Versus Under Secretary, Tamilnadu Public Service Commission**Court** : High Court of Judicature at Madras**Case No** : Writ Petition No.20857 of 2006 O.A.No.2183 of 1994**Judges**: THE HONOURABLE MR. JUSTICE M. JAICHANDREN**Appearing Advocates** : For the Petitioner : A. Kalaiselvan, Advocate. For the Respondent: C.N.G. Ezhilarasi (TNPSC).**Date of Judgment** :18-07-2008 **Head****Note :-**

Constitution of India - Article 226 – Service – Age concession – The petitioner's age was higher than the age limit prescribed for being considered for recruitment for the Group IV Services 1993. Though the petitioner was allowed to participate in the preliminary examination, her application had been scrutinized before she was permitted to take the main written examination. During the scrutiny, it was found that she had crossed the age of 35 years, which was the prescribed age limit, as on 1.7.93. Further, the petitioner had appeared for the second year Master of Arts Degree examination only in the month of April, 1993, which is after the date of the notification, i.e. is 3.2.93. Therefore, she could not be considered for age concession as she had not obtained the higher qualification. Further, the petitioner had been employed only as a part-time employee in the Noon Meal Programme, which cannot be taken as Government service - In such circumstances, the petitioner cannot be said to be qualified for the recruitment for Group IV Services 1993, as claimed by her. Hence, the reliefs sought for by her in the present writ petition cannot be granted by this Court. Therefore, the writ petition stands dismissed.

Para 5

Judgment :-

(Prayer: This petition has been filed seeking for a writ of Certiorarified Mandamus, to set aside the Memo No.1044/HA1/94, dated 8.3.94, of the respondent herein and direct the respondent.)

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the Tamilnadu Public Service Commission.

2. It is stated that the petitioner is a destitute widow possessing Master of Arts Degree. She had applied for the post included in Group IV Services in the year 1993. She had enclosed the

necessary certificates and the other documents along with her application. In the application she had mentioned her age as 38 years. After scrutinizing her application, along with the documents annexed thereto, she was permitted to write the preliminary examinations for Group IV services. Though she had been selected in the preliminary examination, she was not permitted to write the main written examination by an order, dated 8.3.94, issued by the respondent by stating that she was over aged, as per the details furnished by her in the application. In such circumstances, the petitioner had filed an original application before the Tamilnadu Administrative Tribunal in O.A.No.2183 of 1994, which has been transferred to this Court and re-numbered as W.P.No.20857 of 2006.

3. In the reply affidavit filed on behalf of the respondent, it has been stated that the petitioner had applied for recruitment to the post included in Group IV services 1993. The details of the qualifications necessary for applying for the said recruitment, were published in the daily newspapers by way of a notification. Nearly, 3,65,000/- applications had been received from the candidates. Due to administrative reasons, no pre-scrutiny was made regarding their eligibility. Therefore, all the candidates who had applied for the preliminary examination, except those whose applications had been received after the last date fixed for receipt of such applications, were admitted to write the examinations. The marks obtained in the preliminary examination was not taken into account for the final selection. For 2700 vacancies, 27,000 candidates were selected for the main written examination in the ratio of 1:10. All the 27,000 applications were scrutinized and the qualified candidates alone were admitted to take the main written examination held on 23.4.94. With regard to the destitute status of the petitioner she had produced a certificate, dated 13.1.94, issued by the Revenue Divisional Officer, Salem, as her husband was declared dead by an order of the Court, as he had absconded since 15.2.80. While processing her application, it was found that the petitioner had exceeded the age limit of 35 years, on 1.7.93. In her preliminary application, she had claimed that she belonged to a backward class (Thuluva Vellala) and possessing only S.S.L.C qualification. She had claimed relaxation of the age rule on the ground that she is a part-time (permanent) employee in the Noon Meal Programme as she had exceeded the prescribed age limit.

4. It has been further stated that the petitioner was not eligible for relaxation of the rule relating to the age limit as the services rendered by her as a part-time worker in the Noon Meal Programme cannot be considered as "Government Service". Hence, the petitioner was not qualified for appointment to the main written examination. Further, the petitioner is not eligible for age relaxation with reference to her higher qualification as she had appeared for the M.A. Degree examination under the correspondence course in the Open University system, without obtaining the H.S.C Degree qualification. She had appeared for the Master of Arts Degree first year examination in the month of August, 1992 and for the second year examination in the month of April, 1993, which is after the date of the notification, which was on 3.2.93. Since the petitioner was found to have exceeded the age limit on the date of the

notification i.e. 3.2.93, she was not considered for the appointment to the main written examination. It has also been stated that the main written examination relating to Group IV services was held on 23.4.94. The interim order of the Tribunal, dated 3.5.94, to allow the candidate for main written examination was received by the respondent only after the examination was over. Therefore, the reliefs prayed for by the petitioner ought not to be granted by this Court.

5. In view of the submissions made by the learned counsels appearing for the petitioner as well as the respondent, and in view of the records available, it is clear that the petitioner's age was higher than the age limit prescribed for being considered for recruitment for the Group IV Services 1993. Though the petitioner was allowed to participate in the preliminary examination, her application had been scrutinized before she was permitted to take the main written examination. During the scrutiny, it was found that she had crossed the age of 35 years, which was the prescribed age limit, as on 1.7.93. Further, the petitioner had appeared for the second year Master of Arts Degree examination only in the month of April, 1993, which is after the date of the notification, i.e. 3.2.93. Therefore, she could not be considered for age concession as she had not obtained the higher qualification. Further, the petitioner had been employed only as a part-time employee in the Noon Meal Programme, which cannot be taken as Government service.

6. In such circumstances, the petitioner cannot be said to be qualified for the recruitment for Group IV Services 1993, as claimed by her. Hence, the reliefs sought for by her in the present writ petition cannot be granted by this Court. Therefore, the writ petition stands dismissed. No costs.