

W.P.(MD)No.9300 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.04.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.(MD)No.9300 of 2024

and

W.M.P.(MD).Nos.8481, 8483 and 8484 of 2024

M.Sasikala

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Public Service Commission,
Chennai – 3.

2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the clause 4.1 and 4.1.1 in Notification No.4/2024 issued by the respondents dated 28.03.2024 for direct recruitment to the post included in Combined Civil Services Examination - I (Group - I Service) and quash the same and further direct the respondents to provide one year age relaxation to apply for the posts included in Combined Civil Services Examination - 1 (Group-I Services)



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For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.J.Anandhakumar
Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the order dated 28.03.2024 for direct recruitment to the post included in Combined Civil Services Examination - I (Group - I Service) and further, direct the respondents to provide one year age relaxation to apply for the posts included in Combined Civil Services Examination - 1 (Group-I Services)

2. Heard Mr.T.S.Mohamed Mohideen, learned counsel for the petitioner and Mr.J.Anandhakumar, learned Standing Counsel for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. Mr.T.S.Mohamed Mohideen, learned counsel for the petitioner submitted that the petitioner has attained the age of 39 years 5 months, when the respondent issued a notification dated 28.03.2024 inviting applications only

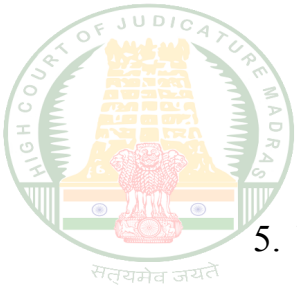


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through Online mode for direct recruitment to the post included in Combined

WEB CIVIL Services Examination – I (Group-I service). He further submitted that in

the said notification, the maximum age limit for the applicants belonging to B.C is shown as 39 years. Except for those candidates who possessed B.L., Degree, the age limit fixed as 40 years is discriminatory. Attention was invited to the earlier Government Order which would prescribe the maximum age limit for candidates belonging to SC/ST, MBC/Denotified Communities and Backward Classes for appearing the competitive examination for Group-I, IA, IB service conducted by TNPSC is 37 years. For others, the maximum age limit is fixed as 32 years. However, the above limit has been further raised to 39 years by taking into account Covid-19 pandemic. In this regard, a notification was issued under G.O.(Ms).No.91, Human Resources Management (S) Department, dated 13.09.2021, thereby the age limit was increased by two years. In the impugned notification, the age limit has been fixed for the candidates belonging to SCs, SC(A)s, STs, MBCs / DCs, BC(OBCM)s, BCMs and Destitute Widows of all categories as 39 years, on the basis of two years exemption made through the Government Order in G.O.(Ms).No.91 dated 13.09.2021. So, the notification has been issued well within the scope of the Government Orders in respect of the maximum age limit for the candidates who appeared for the said examination conducted by TNPSC.

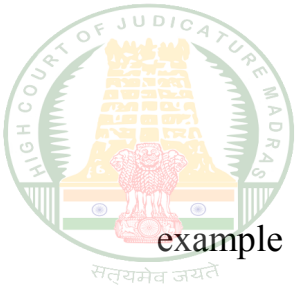


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5. Now, the petitioner claims that since B.L., Degree candidates have been given with maximum age limit of 40 years, the other Degree holders should also be treated on par with them and hence, the petitioner who had attained the age of 39 years 5 months should also be allowed to participate in the selection process and his application should be accepted.

6. It has to be noted that B.L., Degree is a kind of professional Degree and it cannot be equated with other three years Degrees. The petitioner can obtain B.L., Degree either by enrolling himself in 5 years B.L., Degree course or in 3 years B.L., Degree course after having secured a Bachelor Degree for three years. The other Degree holders are also eligible to apply for the said post, despite their Degree course is only for three years. Since B.L., Degree being a professional Degree and duration of that course could be either 5 years B.L., or 3 years B.L., along with another basic Under Graduation. So, in such case, the total year spent is 6 years.

7. The learned counsel for the petitioner clarified that the notification prescribes that if the basic Degree is B.L., the age relaxation of one more year for the maximum age limit is granted and it is discriminatory. But the notification claims that even those persons who have completed graduation, for



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example securing a B.Com., Degree and then, securing B.L., Degree, then the

maximum age limit is fixed by taking into account of holding the additional qualification of B.L., Degree along with another basic Degree. The petitioner claims that the maximum age limit for B.L.Degree holders is more than the other Degree holders and the said advantage is not available to them. The petitioner's challenge is not to the notification which speaks about holding additional Degree but about the maximum age limit. So, the petitioner cannot extend the scope of the Writ Petition beyond what is being pleaded by him and the relief sought by him.

8. Since the maximum age of 39 years is fixed only in accordance with the earlier Government Order given in this regard, for the candidates belonging to SCs, SC(A)s, STs, MBCs / DCs, BC(OBCM)s, BCMs and Destitute Widows classes, the doors cannot be opened for those who have crossed the maximum age limit. If such relaxation is given, then there cannot be any limit for the maximum age and everyone who had crossed 39 years would come and file several litigations seeking relaxation. Such proliferation of litigation cannot be encouraged by relaxing the age limit and hence, the discretion of the Court cannot be exercised by being unmindful of the object of fixing the maximum age limit for public employment.



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WEB COPY 9. In view of the above stated reasons, this Writ Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

16.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Chairman,
Tamil Nadu Public Service Commission,
Chennai – 3.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 3.



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R.N.MANJULA, J.

Nsr

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