

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Ninth day of May Two Thousand Nineteen

PRESENT

THE HON`BLE MR.JUSTICE S.VAIDYANATHAN

WP No.14143 of 2019

and WMP No.14203 of 2019

S.PRADHAP CHANDRAN [PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE CHAIRMAN [RESPONDENTS IN BOTH THE PETITIONS]
TAMIL NADU POLLUTION CONTROL BOARD,
76, MOUNT ROAD, GUINDY, CHENNAI - 32

2 THE MEMBER SECRETARY,
TAMIL NADU POLLUTION CONTROL BOARD,
MOUNT ROAD, GUINDY, CHENNAI - 32

Writ Petitions under article 226 of the Constitutions of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(1) issue a Writ of Declaration declaring that the clause 4a(i) of notification No. 01/ 2019 dated 06.03.2019 issued by the 1st respondent prescribing the maximum age limit for SC, ST, MBC, BC candidates as 35 years are illegal, arbitrary and contrary to clause 7 (1) proviso of Tamil Nadu Pollution Control Board Revised Services Regulations 2010 and consequently direct the respondent to issue fresh notification for recruitment to the post of Asst. Engineer without prescribing the maximum age limit and thereafter proceed further with the selection process (in WP.14143/2019) and

(2) To issue a direction by directing the respondent to accept the application of the petitioner for the post of Asst. Engineer as mentioned in notification No. 01/ 2019 dated 06.03.2019 in person event after 08.05.2019 if the petitioner is not in a position to send his application through online by way of upload the same (in WMP.14203/2019) respectively pending WP.No.14143 of 2019.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support

thereof and upon hearing the arguments of M/S.V.SHANMUGASUNDARAM, Advocate for the petitioner in both the petitions and of MR.ABDUL SALEEM STANDING COUNSEL on behalf of the Respondents in both the petitions the court made the following order:-

Mr. Abdul Saleem, learned Standing Counsel, takes notice for the respondents.

2. Mr.V.Shanmugasundaram, learned counsel for the petitioner submitted that the upper age limit fixed for BC, SC / ST Candidates to the post of Assistant Engineer is against the Tamil Nadu Pollution Control Board Revised Service Regulations, 2010, wherein under Clause 7 (1) (ii), it is contemplated that the upper age limit prescribed therein shall not apply to appointment to the post of a candidate belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes who holds a degree prescribed for appointment to such post, if he is otherwise qualified for appointment. Therefore, the learned counsel for the petitioner submitted that the petitioner, while possessing the requisite qualification to the post of Assistant Engineer, cannot be prevented from making his application simply because he is 37 years.

3. Perusal of the said Rule, prima facie, indicates that the above contention of the petitioner is having some force. However, the merits of such contention has to be finally decided only after completion of the pleadings and on hearing the other side. Hence, post the matter after six weeks for filing counter. In the meantime, as it is stated that the time limit for submitting the online application has expired on 08.05.2019, the petitioner is permitted to submit the application in-person before 10.05.2019 (as the portal has been closed), subject to the result of this writ petition, if he is not in a position to upload the application through online.

4. List this case along with the connected matter, viz. W.P.No.12509 of 2019.

-sd/-

09/05/2019

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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN
TAMIL NADU POLLUTION CONTROL BOARD,
76, MOUNT ROAD, GUINDY, CHENNAI - 32

2 THE MEMBER SECRETARY,
TAMIL NADU POLLUTION CONTROL BOARD,
MOUNT ROAD, GUINDY, CHENNAI - 32

C.C. to M/S.V.SHANMUGASUNDARAM Advocate SR.NO. 6573

Order

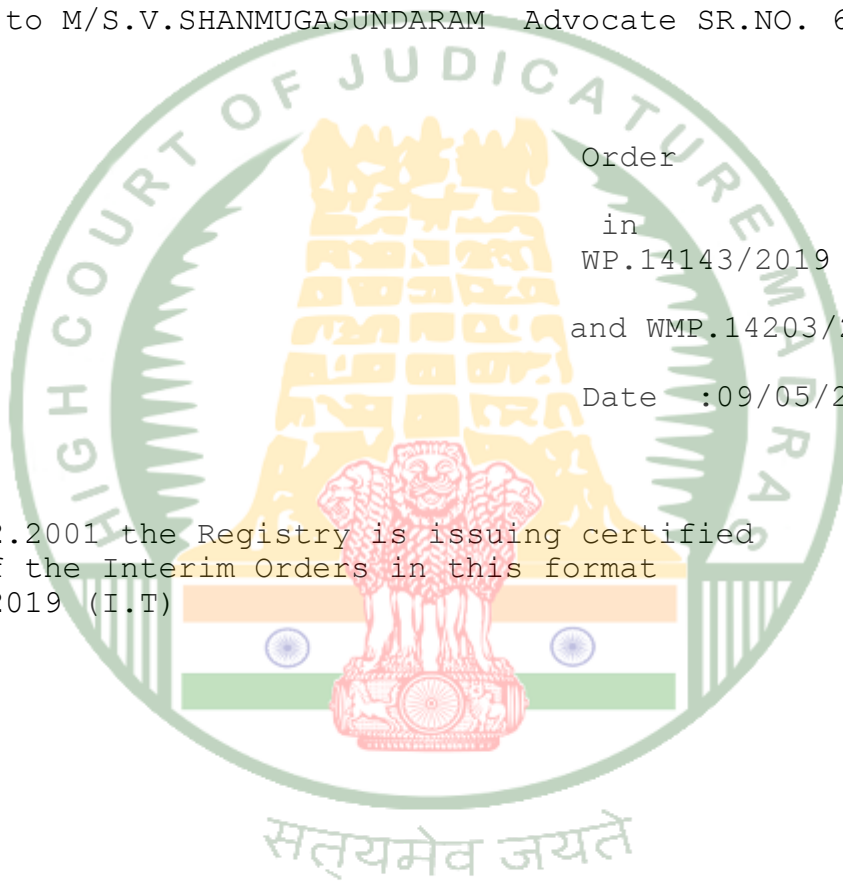
in

WP.14143/2019

and WMP.14203/2019

Date :09/05/2019

From 26.2.2001 the Registry is issuing certified
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VS 09.05.2019 (I.T)



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