

Elangovan vs the State Rep by

Elangovan vs the State Rep by

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Court : Chennai

Decided On : Jun-04-2025

Judge : Honourable Mrs Justice J. Nisha Banu, Honourable Mr. Justice M. Jothiraman

Appeal No. : WP/9151/2025

Appellant : Elangovan

Respondent : The State Rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J. NISHA BANU AND THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN WP.No.9151 of 2025 and WMP.Nos.10253 to 10255 of 2025 Elangovan S/o Rajivel ...
Petitioner Vs.

1. The State rep. by The Principal secretary, Government Higher Education Department,

2. The Secretary, Law Department,

3. The Secretary, Teachers Recruitment Board, College Road,

4. The Director of Legal Education, Directorate of Legal Education, Kilpauk, Chennai. ... Respondents Prayer: Writ Petition filed under Article 226 of the Constitution of India

to issue a Writ of Certiorarified Mandamus to call for the records in G.O.Ms.No.232 relates to Rule 4 b of the impugned amended Adhoc Rules governing the post of Assistant Professor (Pre-Law) in Tamil Nadu Legal Educational Service dated 04.05.2022 issued by the 2nd respondent and subsequent Notification No.1/2025, dated 24.01.2025 published by 3rd respondent and quash the same as illegal and consequently direct the 2nd and 3rd respondents to amend and relax the age criteria. For Petitioner : Mr.P.Ramkumar Adityan

For Respondents : Mr.Ravichandar Special Government Pleader for R1, R2 & R4 Mr.K.Sathish Kumar, Standing Counsel for R3

ORDER

This Writ Petition has been filed challenging G.O.Ms.No.232 relates to Rule 4 b of the impugned amended Adhoc Rules governing the post of Assistant Professor (Pre-Law) in Tamil Nadu Legal Educational Service dated 04.05.2022 issued by the 2nd respondent and also challenging the subsequent Notification No.1/2025, dated 24.01.2025 published by 3rd respondent and quash the same as illegal and consequently direct the 2nd and 3rd respondents to amend and relax the age criteria.

3. The issue involved in this writ petition is directly covered by the

order passed in W.P.No.5860 & 5165 of 2025 dated 27.02.2025 and the

subsequent judgment passed by the Division Bench of this Court in

W.A.No.703 of 2025 dted 12.03.2025. Relevant portion of the judgment

passed in W.A.No.703 of 2025 is extracted hereunder :-

"5. While Mr.K.Kannan, learned counsel appearing for the appellant would vehemently urge that the fixation of outer age limit at 40 has to be interfered with as the Dr.Ambedkar Law University has fixed the outer age limit at 57. We do not think, we can entertain such a plea. Fixation of outer age limit for another service is within the powers of the employer and it is for the employer to fix the outer age limit. This court cannot substitute its discretion and relax the age limit unless there is a specific provision for such relaxation in the rules concerned. Moreover, G.O.Ms.No.233, Law (LS) department which re-issues the special rules is not under challenge and those special rules were also framed pursuant to the directions issued by a Division Bench of this Court.

6. Unless the special rules are challenged, the

prayer of the petitioner for quashing notification which is issued under the special rules cannot be entertained. Even otherwise, as we have already indicated, this Court cannot interfere in the matter of fixation of age by the employer. If the University in its wisdom choses to

accommodate older persons to teach Law, that cannot be a ground to enforce the same wisdom in the Law Department of the Government. We therefore, do not seek any reason to interfere with the order of the Writ Court. This Writ Appeal therefore, fails and is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed."

4. Following the guidelines as stipulated in G.O.Ms.No.233, the

Teachers Recruitment Board had prescribed the eligibility criteria with respect to the age of Assistant Professor and Assistant Professor (Pre-law) in Government

Law Colleges as 40 years with a possibility of 5 added years depending on the experience obtained in teaching either on part time or on full time in a Law College for a maximum of five years. The appointing authority is the Government and this Court cannot interfere in the matter of fixation of age limit by the employer. It is specifically stated that a candidate should come within the zone of selection list and only when he conforms to the eligible criteria with respect to all aspects including education criteria, age criteria and all other factors he /she will be considered for selection.

5. In light of the above, this Court is of the view that the issue

involved in this writ petition is squarely covered by the judgment passed by the Division Bench of this Court in W.A.No.703 of 2025 dated 12.03.2025. Therefore, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitioners are closed. [J.N.B.,J.] [M.J.R.,J.] 04.06.2025 vsi
Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No To

1. The State rep. by The Principal secretary, Government Higher Education Department,
2. The Secretary, Law Department,
3. The Secretary, Teachers Recruitment Board, College Road,
4. The Director of Legal Education, Directorate of Legal Education, Kilpauk,

J.NISHA BANU,J.

AND

M.JOTHIRAMAN,J.

vsi . W.P.No.9151 of 2025 04.06.2025

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