

**A.Velmurugan Vs. 1. the General Manager,**

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**SooperKanoon Citation :** [sooperkanoon.com/964477](http://sooperkanoon.com/964477)

**Court :** Chennai

**Decided On :** Mar-27-2013

**Judge :** D.Hariparanthaman

**Appellant :** A.Velmurugan

**Respondent :** 1. the General Manager,

**Judgement :**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

27. 03/2013 CORAM THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN  
W.P.(MD)No.4630 of 2013 and M.P.(MD)No.1 of 2013 A.Velmurugan ... Petitioner  
vs.

1. The General Manager, Tamil Nadu State Transport Corporation (Madurai)  
Limited, Virudhunagar Division, Virudhunagar, Virudhunagar District.

2. The Managing Director, Tamil Nadu State Transport Corporation (Madurai)  
Limited, Virudhunagar Division, Virudhunagar, Virudhunagar District.

3. The District Employment Officer, Virudhunagar District Employment Exchange,  
Virudhunagar District, Virudhunagar. ... Respondents PRAYER Writ petition is filed  
under Article 226 of the Constitution of India praying to issue a Writ of Mandamus  
to direct the first and second respondents to provide age relaxation and appoint  
the petitioner as a Technical Assistant (Diesel Mechanic) in Tamil Nadu State  
Transport Corporation (Madurai) Limited, Virudhunagar Division, Virudhunagar,

Virudhunagar District within the stipulated period. !For Petitioner ... Mr.G.Marimuthu ^For Respondents ... Mr.A.Jeyaraman for R.1 and R.2 Mr.T.S.Md.Mohideen Additional Government Pleader for R.3 \*\*\* :ORDER This writ petition has been filed to direct the first and second respondents to provide age relaxation and appoint the petitioner as a Technical Assistant (Diesel Mechanic) in Tamil Nadu State Transport Corporation (Madurai) Limited, Virudhunagar Division, Virudhunagar, Virudhunagar District within the stipulated period.

2. Heard the learned Counsel for the petitioner, the learned Counsel appearing for the Respondents 1 and 2 and the learned Additional Government Pleader appearing for the third respondent.

3. The petitioner passed 12th std., in the year 1996-1997. Thereafter, he passed I.T.I. Mechanic (Diesel) in the Ramco Industrial Training Centre, Rajapalayam. He registered his name before the District Employment Exchange, Virudhunagar. During the year 2004-2006, he worked as apprentice in the respondent Corporation at Sivakasi Branch and completed the apprenticeship in the work shop at Sivakasi. The apprenticeship period is from 08.11.04 to 07.11.06.

4. While so, the respondents have taken steps to fill up the vacancies for the post of Technical Assistant (Diesel Mechanic). The total number of vacancy is eight. On the request made by the respondents Corporation, the third respondent sponsored the names for the aforesaid post, based on the employment seniority and the name of the petitioner was also sponsored. The petitioner attended the interview on 18.03.2013.

5. According to the petitioner, as per the service Rules, the maximum age limit for Backward Class Community is 35 years. The petitioner belongs to the Backward Class Community. Now he is aged about 35 years 8 months and 22 days. He apprehends that he could be rejected on the ground that he crossed the age limit. According to him, as per the judgment of the Honourable Apex Court in U.P.State Road Transport Corporation and another V. U.P.Parivahan Nigam Shishukhs Berozgar Sangh and Others reported in AIR 199.SUPREME COURT 1115 he is entitled to age relaxation to the extent of the apprenticeship period. He is also entitled to preference over other direct recruits in terms of the above said

judgment. He has filed this writ petition seeking for direction to the respondents to provide age relaxation and to appoint him as a Technical Assistant (Diesel Mechanic) in the respondent Corporation.

6. I have perused the judgment of the Honourable Apex Court cited supra and the paragraph 12 of the said judgment is relevant for the purpose of this case and the same is extracted hereunder: "12. In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of trainees to get employment after successful completion of their training:- (1) Other things being equal, a trained apprentice should be given preference over direct recruits. (2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India V. Hargopal, AIR 1987.SC 1227.would permit this. (3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the concerned service rule. If the service rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given. (4) The concerned training institute would maintain a list of the persons trained year wise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior." 7. As per paragraph 12(3) of the above said judgment, the petitioner is entitled to age relaxation to the extent of apprenticeship period and as per paragraph 12(1) of the said judgment, the petitioner shall be given preference over other direct recruits.

8. In these circumstances, the respondents 1 and 2 are directed to consider the claim of the petitioner for the post of Technical Assistant (Diesel Mechanic) in the light of the judgment rendered by the Honourable Apex Court cited supra, within a period of two months from the date of receipt of a copy of this order.

9. The Writ Petition is disposed of in the above terms. Consequently, the connected Miscellaneous Petition is closed. No costs. ss1 To 1. The General Manager, Tamil Nadu State Transport Corporation (Madurai) Limited, Virudhunagar Division, Virudhunagar, Virudhunagar District.

2. The Managing Director, Tamil Nadu State Transport Corporation (Madurai) Limited, Virudhunagar Division, Virudhunagar, Virudhunagar District.
3. The District Employment Officer, Virudhunagar District Employment Exchange, Virudhunagar District, Virudhunagar.

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