

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 23.3.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.7207 OF 2014

1 R. ARIVAZHAGAN ... petitioner

Vs

1 THE CHAIRMAN
TAMILNADU ELECTRICITY BOARD
MOUNT ROAD, CHENNAI

2 THE CHIEF ENGINEER
TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED
THANJAVUR

3 THE SUPERINTENDING ENGINEER
THANJAVUR ED CIRCLE TANGEDCO
NO.1 VALLAM
ROAD THANJAVUR 613 001 ... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd and 3rd respondents to declare petitioner as the selected candidate for the post of ITI Helper Trainee in the 2nd respondent Corporation.

For petitioner

Mr.Govinda Prasad,
for Mr.P.R.Balasubramanian

For respondent

Mrs.R.Varalakshmi

ORDER

The failure on the part of the respondents to select the petitioner under the priority category made him to file this Writ Petition.

Brief facts :-

2. The petitioner, after undergoing ITI course, has undergone apprenticeship training. His land was acquired for establishing Jayamkondam Lignite Corporation Ltd. The authorities issued him a priority certificate. The certificate was registered by the employment exchange. The petitioner submitted an application for appointment to the post of ITI Helper, pursuant to the notification issued by the Tamil Nadu Generation and Distribution Corporation Ltd. (hereinafter referred to as TANGEDCO). His name was sponsored by the Employment Exchange under priority category. The petitioner was not

given appointment notwithstanding his status as an applicant under "land acquired category". The petitioner is therefore before this Court to direct the respondents to appoint him to the post of ITI Helper.

3. The Chief Engineer TANGEDCO, has filed a counter affidavit wherein it was contended that the petitioner submitted an application under priority category as well as under apprenticeship category. The petitioner was directed to appear for interview on 11 November 2013 for consideration of his candidature for appointment. Similarly, he was directed to appear for interview under Apprenticeship Category on 15 November 2013. The petitioner attended interview on 15 November 2013 and as such, his case was considered only under the Apprenticeship Category. According to the Chief Engineer, marks secured in ITI National Trade Certificate/National Apprenticeship Certificate, Interview Marks, communal roster, priority and rule of reservations were taken into account. Since the petitioner failed to obtain the cut off marks, he was not selected.

Submissions :-

4. The learned counsel for the petitioner contended that the petitioner received the interview letter to appear only on 15 November 2013. The petitioner appeared for interview on 15 November 2013. He was not given information with regard to the separate interview held on 11 November 2013, the date on which the respondents are alleged to have selected candidates under the priority category.

5. The learned standing counsel for TANGEDCO submitted that the petitioner failed to appear on 11 November 2013 and that was the reason for the failure to consider his candidature under the priority category.

Discussion :-

6. There is no dispute that the name of the petitioner was sponsored by employment exchange under priority category. The petitioner is eligible for bonus marks under the priority category. The respondents have taken up a contention that the petitioner failed to attend the interview on 11 November 2013 and appeared only on 15 November 2013. The alleged failure on the part of the petitioner to attend the interview held on 15 November 2013 is taken as a ground to deny him appointment.

7. The respondents have produced a Register showing the attendance of the candidates. Entries relating to the interview conducted on 11 November 2013 and 15 November 2013 contain the name of the petitioner. The respondents have not recorded that the petitioner failed to appear on 11 November 2013. The learned counsel for TANGEDCO contended that the petitioner failed to sign the register and the said fact would prove that he failed to attend the interview. The respondents have not produced any document to show that they have sent separate interview letters to the petitioner to appear on 11 November 2013 and 15 November 2013. Even though a specific direction was given to the respondents to produce a copy of the interview letter directing the petitioner to attend interview on 11 November 2013, they have not produced any such document. It is therefore not clear as to whether the petitioners have sent a

separate letter to the petitioner to attend the interview on 11 November 2013.

8. The first respondent has given a public notification calling upon those who have undergone the apprenticeship training to register their names at the head office from 2 September 2013 to 13 September 2013. The registration relates to those who have undergone apprenticeship. The petitioner claimed appointment only on the basis of priority. The fact that the petitioner has not signed the register on 11 November 2013 would not go to show that he was called upon to appear for interview on 11 November 2013 and he failed to appear. The respondents have not made any endorsement against the name of the petitioner that he was absent on 11 November 2013.

9. The petitioner is from a rural area. He was summoned to appear on 15 November 2013 to attend the interview. The interview letter should contain a clear indication that there would be two interviews, one for priority category and another for apprenticeship category. The available documents would not support the case pleaded by the respondents. I am therefore of the view that the petitioner must succeed.

Disposal :-

10. In the result, a writ in the nature of a Writ of Mandamus is issued directing the first respondent to consider the case of the petitioner for appointment to the post of ITI Helper pursuant to the recruitment initiated in 2013 and the related Government Order in G.O.Ms.No.65 (P&AR) Department, dated 27 May 2009. The petitioner should be given eligible marks under land acquisition priority category. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

11. The Writ Petition is allowed to the extent indicated above. No costs. Consequently, M.P.No. is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 THE CHAIRMAN TAMILNADU ELECTRICITY BOARD
MOUNT ROAD, CHENNAI
- 2 THE CHIEF ENGINEER TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED THANJAVUR
- 3 THE SUPERINTENDING ENGINEER
THANJAVUR ED CIRCLE TANGEDCO NO.1 VALLAM
ROAD THANJAVUR 613 001

+ 1 cc to Mr.P.R.Balasubramanian, Advocate SR.16153

+ 1 cc Government Pleader Sr.16504