

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7138 of 2014
and
MP.No.2 of 2014

A.Selvakumar

.. Petitioner

Vs

1.The Chairman,
The Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

3.The Chief Engineer / Distribution,
Trichy Region, TANGEDCO,
Post Box No: 704, Thennur,
Trichy - 620 020.

4.The Special Commissioner,
Employment and Training,
Guindy, Chennai - 600 032.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records from the 1st respondent issued / proclaimed result Selection list of 829 nos. of Technical Assistant (EEE) by direct recruitment 2013-2014 dated 24.2.2014 and quash the same and direct the respondents to consider the petitioner representation letter dated 27.2.2014.

For Petitioner : Mr.M.Senthamizh Selvan

For Respondents : Mrs.R.Varalakshmi, for R1 to R3

Mr.A.Rajaperumal,
Additional Government Pleader, for R4

O R D E R

The relief sought for in this writ petition is to call for the records from the first respondent issued / proclaimed the result selection list of 829 numbers of Technical Assistant (EEE) by direct recruitment for the year 2013-2014 and quash the same and the direct the respondents to consider the petitioner representation dated 27.2.2014.

2. It is brought to the notice of this Court that the writ petitioner has not reached the zone of consideration for selection and in this regard paragraphs 9 and 10 of the counter affidavit, is as under:

" 9. I respectfully submit that the details of the selected candidates whose Sl.No. has been stated by the petitioner in para 9 of the affidavit and the marks scored by them in the academic and also in interview are given below which clearly show that those candidates have reached the zone of selection.

Selecti on list No.	Name of the Respondent	Comm- unity	Prior ity	Marks score d 100%	Marks score d 85%	Marks score d 15%	Tota l Mark s 100%	Cut Off Mark s
618.	S.Perumal Samy (Appl.No. 7854)	SC	-	78.58	66.80	14	80.8 0	79.9 5
632.	S.Saravanan (Appl.No. 9503)	SC TM	-	79.63	67.68	13	80.6 8	79.7 6
662.	K.Rajkumar (Appl.No. 9897)	SC TM	-	78.08	66.37	14	80.3 7	79.7 6
678.	V.Umapathy (Appl.No. 9385)	SCA TM	-	77.58	65.95	14	79.9 5	78.6 0
682.	S.Senthil kumar (Appl.No. 1016)	SC TM	2.2	71.50	60.78	5	65.7 8	61.1 1

Selecti on list No.	Name of the Respondent	Comm- unity	Prior ity	Marks score d 100%	Marks score d 85%	Marks score d 15%	Tota l Mark s 100%	Cut Off Mark s
792.	M.Mages -waran (Appl.No. 8159)	SC	-	77.75	66.09	14	80.0 9	79.9 5
798.	K.Ramesh (Appl.No. 8187)	SC	-	77.58	65.95	14	79.9 5	79.9 5
818.	K.Veerappan (Appl.No. 9885)	SC TM	-	78.54	66.76	13	79.7 6	79.7 6

* TM is Tamil Medium

10. I respectfully submit that during the year 2013 the cut off marks for the post of Technical Assistant / Electrical in respect of Schedule Caste (Non-priority) EEE was 79.95, whereas the petitioner has secured only 74.14 as detailed below :-

1. Qualifying examination mark

(i) For 100% = 80.17

(ii) For 85% = 68.14

2. For viva voce interview 15% = 6.00

...

= 74.14

...

Hence he has not reached the zone of selection. It is further submitted that Thiru. S. Senthil Kumar in SI.No.682 who scored only 61.11 marks was selected under SC (Priority) category and not under SC (Non Priority Category)."

3. An appointment can never be claimed as a matter of right, so also the selection process. The selection can be challenged only on the limited grounds of malpractices, illegality, in violation of statutory Rules or in corrupt practices are found during the process of selection. In the absence of any one of this legal grounds, the selection list

cannot be interfered by the High Court under Article 226 of Constitution of India. This being the legal principles to be followed when a writ petition is filed challenging the selection process. As the writ petitioner has not scored the required cut off marks and not within the zone of consideration for selection, the claim of the writ petitioner for appointment cannot be considered.

4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

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To

- 1.The Chairman,
The Tamil Nadu Electricity Board,
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- 4.The Special Commissioner,
Employment and Training,
Guindy, Chennai - 600 032.

+1cc to Mr.R.Varalakshmi, Advocate SR.No.89809
+1cc to Government Pleader SR.No.89712

W.P.No.7138 of 2014

GN(08/01/2018)