

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6269 of 2017

M.Santhosh

.. Petitioner

Vs

1.The Chairman-cum-Managing Director,  
Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
New No.144, Anna Salai, Chennai - 2.

2.The Chief Engineer (Personnel),  
TANGEDCO,  
No.144, Anna Salai, Chennai - 2.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent not to conduct the personal interview for the post of Assistant Engineer and consequently not to declare the selection results for the post of Assistant Engineer.

For petitioner : Mr.N.G.R.Prasad  
for M/s.Row and Reddy

For Respondents : Mr.K.Venkataramani, AAG  
for Mrs.Varalakshmi

O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the second respondent / the Chief Engineer (Personnel), TANGEDCO, Chennai, not to conduct the personal interview for the post of Assistant Engineer and consequently not to declare the selection results for the said post.

2. It is submitted by the learned counsel for the petitioner that the petitioner is an Engineering Graduate in Electrical and Electronics and he belongs to Schedule Caste Community. Whiles, the second respondent issued a notification dated 28.12.2015 calling for application for the post of Assistant Engineer (Electrical) along with other posts. The petitioner had also applied for the said post and thereafter, he took part in the written examination on 30.01.2016. Subsequently, on 30.07.2016, the second respondent published the individual marks obtained in the written examination, without fixing the cut-off marks to each category and it is stated that the petitioner has scored 10 marks out of 85 marks. Thus, it is submitted that unless a cut-off mark and the publication of names of the candidates along with the marks secured by them are published, the entire selection process would definitely lead to malpractice, therefore, he prayed for stay of the interview process, which is going on from 13.03.2017 to 18.03.2017.

3. Concluding his argument, it is further stated that the State Election Commission has already issued a notification on 09.03.2017, therefore, during the course of election code of conduct, no authority can proceed with the selection process, hence, the entire selection process, taking place during the course of the election code of conduct, is liable to be interfered with.

4. Per contra, learned Additional Advocate General appearing for the respondents urged this Court to dismiss the writ petition on the ground that the petitioner is not a qualified person to take part in the interview, which is taking place from 13.03.2017 onwards, as he has scored only 10 marks out of 85 marks and therefore, he cannot in any way come within the zone of consideration. It is further stated that after completing entire process for written examination, the second respondent issued a call letter on 02.03.2017 fixing the date of interview to be held from 13.03.2017 to 18.03.2017, therefore, the notification issued by the Election Commission on 09.03.2017 notifying the election for R.K.Nagar constituency cannot preclude the respondent in conducting the interview and that apart, no selection process either written test or interview is taking place within the jurisdiction of R.K.Nagar. Hence, it is contended that the prayer of the petitioner seeking a direction to the second respondent not to conduct the interview for the post of Assistant Engineer is liable to be rejected.

5. I find merit on the above said submissions. It is an admitted fact that the petitioner had secured only 10 marks

out of 85 marks in the written test conducted by the respondents, which is far below the cut-off marks of 24.33 fixed for the SC/ST Category, therefore, he is not eligible to come within the zone of consideration. Secondly, the first respondent has issued call letters on 02.03.2017 to all the candidates informing them about the commencement of interview i.e. from 13.03.2017, therefore, subsequent Election Notification issued by the State Election Commission on 09.03.2017 for R.K.Nagar constituency, in my considered opinion, cannot affect the selection process, which had already begun from 13.03.2017. Therefore, the petitioner, having admittedly secured only 10 marks out of 85 marks in the written test, has no locus-standi to seek a direction to the second respondent not to conduct personnel interview for the post of Assistant Engineer.

6. Thus, for the reasons stated above, the writ petition fails and the same is dismissed as devoid of any merit. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/  
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Chairman-cum-Managing Director,  
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Corporation Limited (TANGEDCO),  
New No.144, Anna Salai, Chennai - 2.

2.The Chief Engineer (Personnel),  
TANGEDCO, No.144, Anna Salai, Chennai - 2.

+1cc to M/s. Row & Reddy, Advocate SR.No.16395

+1cc to M/s. R.Valarmathi, Advocate SR.No.16656

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SDR 12.04.2017