

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition Nos.10684 to 10686 of 2017 and
W.M.P.Nos.11629 & 11630 of 2012 in W.P.No.10684/2017
W.M.P.Nos.11631 & 11632 of 2012 in W.P.No.10685/2017
W.M.P.Nos.11633 & 11634 of 2012 in W.P.No.10686/2017

K.Manivel .. Petitioner in W.P.No.10684/2017
S.Mathesan .. Petitioner in W.P.No.10685/2017
C.Suganya .. Petitioner in W.P.No.10686/2017

vs.

1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. By its Secretary
144, Anna Salai,
Chennai - 2.

2.The Chief Engineer (Personnel)
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 2.

3.The Chief Engineer,
Mettur Thermal Power Station - I,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Mettur Dam,
Salem - 636 406.

.. Respondents in all W.Ps

Common Prayer in all WP's:- Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to notification No.2 dated 29.02.2016 issued by the first respondent Corporation, quash the same and consequently direct the respondents to commence the recruitment process for appointment to the post of Tester (Chemical) by direct recruitment afresh by issuing a fresh notification fixing and notifying the educational qualification and experience as prescribed in the service regulations by conducting written examination and interview in accordance with law in a fair and transparent

manner and to consider his case for appointment to the post of Tester (Chemical) in the recruitment process to be commenced afresh.

For Petitioner
in all W.Ps : Mr.V.Ajay Khose

For Respondents
in all W.Ps : Mrs.R.Varalakshmi

COMMON ORDER

These writ petitions have been filed by the petitioners allegedly challenging the Notification issued by the Tamil Nadu Generation and Distribution Corporation Ltd., in notification No.2 dated 29.02.2016.

2.Mr.V.Ajay Khose, learned counsel for the petitioners would submit that the petitioners possess B.Sc degree and working as Contract employees under the respondents and also got one year practical experience in the type of work concerned, as mentioned by the Tamil Nadu Electricity Service Regulation for the post of Tester Chemical. The petitioners have participated in the written examination conducted by the respondents on 27.08.2016 however, they failed in the said examination.

3.According to the learned counsel for the petitioners, the respondents have not prescribed the requisite qualification as per the Tamil Nadu Electricity Board Regulations, for the post of Tester Chemical, in their Notification in Notification No.02/2016 dated 29.02.2016 properly.

4.The important dates as mentioned in the Tamil Nadu Generation and Distribution Corporation Ltd., Notification No.02/2016 dated 29.02.2016 as follows:-

"2.Important Dates

(i)	Date of Notification	29.02.2016
(ii)	Date of Commencement of submission of application	02.03.2016
(iii)	Last date for submission of application	16.03.2016

(i)	Date of Notification	29.02.2016
(iv)	Last date for payment of Examination Fees	18.03.2016
V	Date and time of Written Examination	The Competitive Written examination will be conducted as per TANCET norms by Anna University, Chennai - 25 during the month of April/May 2016. The exact date of competitive written examination will be placed in the website tangedco.directrecruitment.in

5. Further, the Educational Qualification prescribed by the respondents in their Notification is B.Sc., (Chemistry) (The candidates who possess the degree after passing of 10th Standard and +2/Diploma are alone eligible).

6. According to the petitioners, the respondents have not mentioned about the work experience i.e., one year practical experience in the type of work concerned, in their Notification. Thus, according to the petitioners, the Notification is liable to be quashed.

7. Mrs. Varalakshmi, learned Standing Counsel appearing for the respondents submitted that having perused the Notification of the respondents dated 29.02.2016; having attended the written examination conducted by the respondents on 27.08.2016 and having come to know that they have failed in the said examination, it is not fair on the part of the petitioners to challenge the Notification of the respondents belatedly. She would further submit that the selection process has been in progress. Hence, according to the learned Standing Counsel, the writ petitions are liable to be dismissed.

8. I have heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents and we have also perused the records carefully.

9. Originally, the Notification of the respondents was issued on 29.02.2016. The petitioners have attended the written examination conducted by the respondents on 27.08.2016. Further, the petitioners have failed in the said written examination and

thus, they have lost the chance to attend the interview for the post of Tester Chemical. Further, according to the learned Standing Counsel, the selection process has been in progress. At this stage, the petitioners have challenged the Notification of the respondents dated 29.02.2016.

10. In my considered view, the petitioners have not come to this Court with clean hands. Having attended the written examination conducted by the respondents on 27.08.2016 as per the notification dated 29.02.2016 and after coming to know that they have failed in the written examination, belatedly, the petitioners approached this Court at this stage challenging the notification of the respondents dated 29.02.2016. If really, the petitioners are aggrieved by the said Notification, they should have approached this Court even before the date of written examination. Hence, this Court is inclined to dismiss the writ petitions filed by the petitioners.

11. In the result, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jbm

To

1. The Secretary,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 2.

2. The Chief Engineer (Personnel)
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 2.

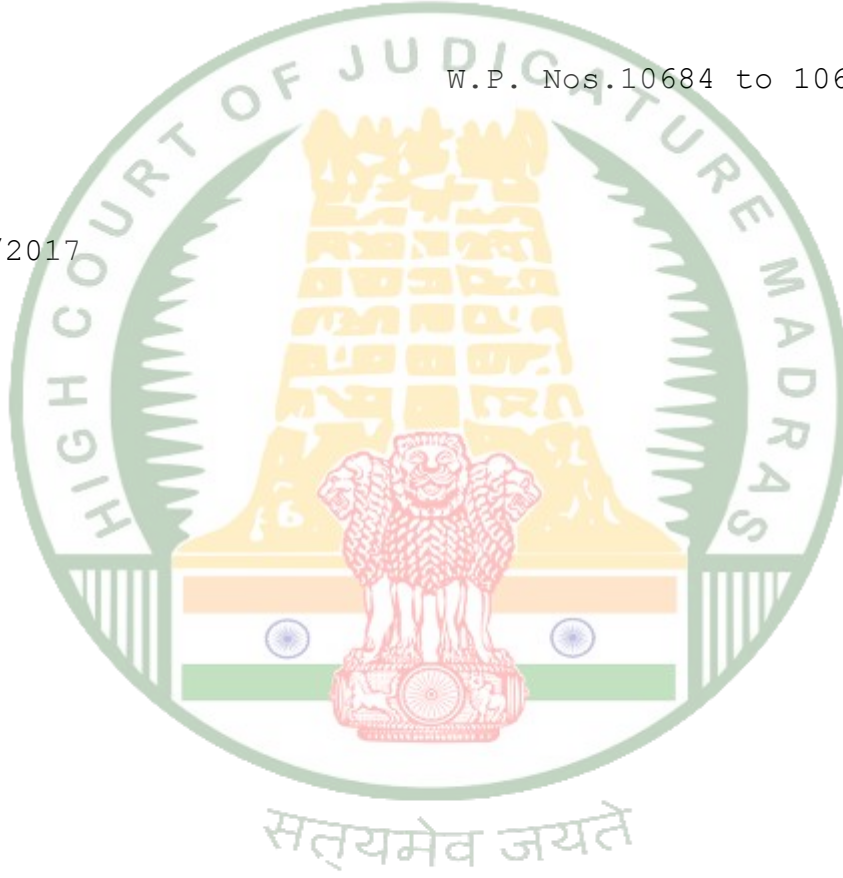
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3.The Chief Engineer,
Mettur Thermal Power Station - I,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Mettur Dam,
Salem - 636 406.

+lcc to Mr.V.Ajoy Khose, Advocate Sr.25865
+lcc to Mr.R.Varalakshmi, Advocate Sr.25582

W.P. Nos.10684 to 10686 of 2017

svi[co]
srg 30/05/2017



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