

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.12.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.4263 of 2013
and
MP.No.2 of 2013

P.Senthil

.. Petitioner

Vs

1.Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Rep.by its Chairman cum Managing Director,
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

2.The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

3.R.Divya

...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 records of the 1st respondent in connection with "Selection list of 600 Assistant Engineers by Direct Recruitment -2012" and quash the same in so far as the selection and appointment to the post of Assistant Engineer (IT/CSE) is concerned and direct the respondent 1 and 2 herein to reconsider the candidature of the petitioner and all such candidates who have participated in the post of Assistant Engineer (IT/CSE) by direct recruitment for the year 2012 vide notification dated 11.01.2012 in accordance with law.

For Petitioner : Ms.S.Kala

For Respondents : Mrs.R.Varalakshmi, for R1 & R2
No appearance for R3

O R D E R

The selection list of 600 Assistant Engineers by direct recruitment for the year 2012 vide notification dated 11.01.2012 issued by the first respondent as sought to be quashed in this writ petition.

2. Heard Ms.S.Kala, learned counsel appearing for the petitioner and Mrs.R.Varalakshmi, learned counsel appearing for the respondents 1 and 2 and none appeared for the third respondent.

3. It is relevant to extract the paragraphs 17, 18 and 19 of the counter affidavit filed by the respondents, is under :

" 17. I respectfully also submit that the cut-off marks for the post of Assistant Engineer / Electrical in respect of GT (CSE/IT Branch) General (SC-Non-Priority) on merit is 71.91%. R.Divya (S.No.3148) (Respondent 3) had secured 74.22% marks and she had reached the zone of selection on merit.

Sl.No	Description	Details of the marks of R.Divya (Appn.No.3148)
1.	Qualifying examination marks (i) for 100%	72.02
	(ii) for 85%	61.22 +
2.	For viva-voce interview 15%	13.00
	Total	74.22

18. I respectfully submit that the selection of the Assistant Engineer had made by the TANGEDCO based on the merit of the marks and as per Communal roaster only so far. TANGEDCO has not violated any norms and conditions of the TNEB Service Regulation and the reservation of the Communal Roaster.

19. I respectfully submit that the cut-off marks for the post of Assistant Engineer / Electrical in respect of GT (CSE/IT Branch) General (SC-Non-Priority) on merit in 71.91; whereas the petitioner had secured only 50.38% marks. Hence, the petitioner had not reached the zone of selection on merit.

1. Qualifying examination marks	
(i) for 100%	54.56
	
(ii) for 85%	46.38
	+
2. For viva-voce interview 15%	4.00
	
TOTAL	50.38
	

4. This apart, the details of the marks obtained by the writ petitioner is that the qualifying examination marks for 100 % the petitioner secured 54.56, for 85 % the petitioner secured 46.38, for viva-voce interview 15% the petitioner secured 4, in total the writ petitioner has secured 50.38 marks in the selection process and the writ petitioner has not coming within the zone of consideration for selection.

5. 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 if corrupt practices are found during the process of selection. In the absence of any one of these legal grounds, the selection list cannot be interfered with 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, the writ petitioner has not secured the required cut off marks and not coming within the zone of consideration for selection.

6. Thus, no further adjudication is required in this writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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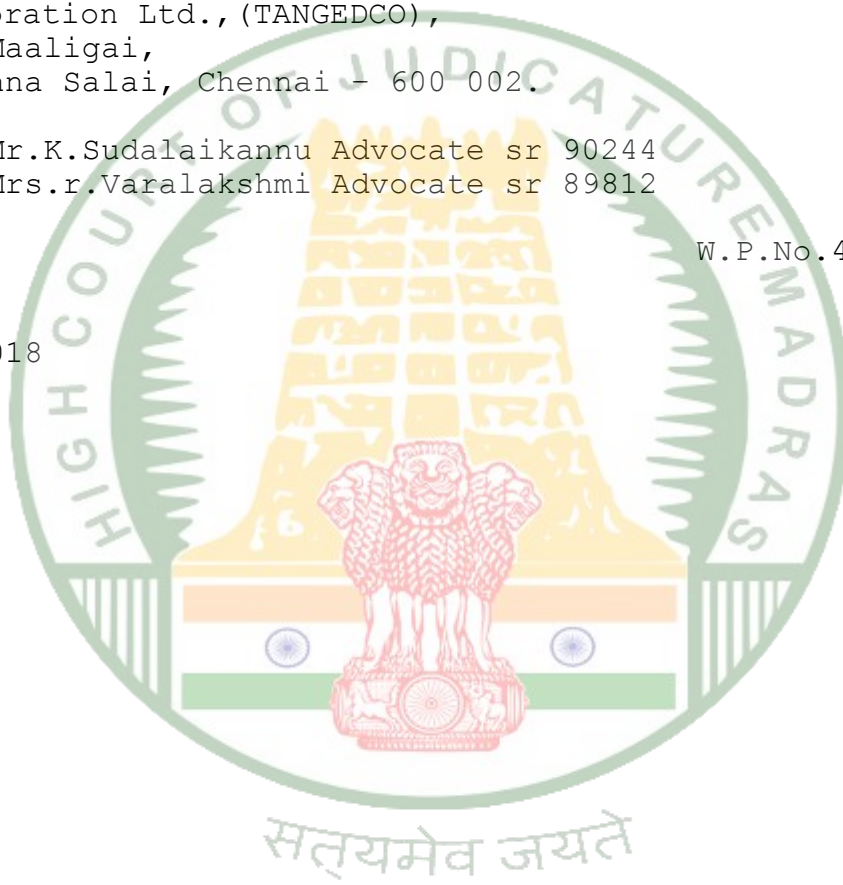
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+1 cc to Mr.K.Sudalaikannu Advocate sr 90244
+1 cc to Mrs.r.Varalakshmi Advocate sr 89812

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aa05/01/2018



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