

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.12.2017

CORAM

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

W.P. No.21670 of 2012
and
M.P.No.1 & 2 of 2012

P.Palaniammal

..Petitioner

Vs

1.The Chief Financial Controller,
Tamilnadu Generation and
Distribution Corporation Ltd.,
(Tamil Nadu Electricity Board)
No.144, Anna Salai,
Chennai-2.

2.The Chief Engineer/Personnel
Tamilnadu Generation and Distribution
Corporation Ltd.,/Head Quarters
(Tamil Nadu Electricity Board)
No.144, Anna Salai,
Chennai-2.

3.The Assistant Director,
Professional and Executive
Employment and Training,
Santhome, Chennai-4.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the respondents to select the petitioner to the post of Asst. Engineer(ECE) by considering her qualification including her cut off marks and date of her enrollment in the employment exchange office in pursuant to the interview letter issued by the 1st respondent vide Memorandum No.011494/G.55/G.55/2011 dated 09.04.2012.

For Petitioner : Mr.Manikandan

For Respondents : Mrs.R.Varalakshmi for RR1&2

: Mr.M.Perumal
Government Advocate-for R3

O R D E R

The relief sought for in this writ petition is to direct the respondents to select the petitioner to the post of Assistant Engineer (ECE) by considering her qualification including her cut off marks and date of her enrollment in the employment exchange office in pursuant to the interview letter issued by the 1st respondent vide Memorandum No.011494/G.55/G.55/2011 dated 09.04.2012.

2.The affidavit filed in support of the writ petition states that the writ petitioner belongs to Hindu Adi-Dravidar Community and have completed B.E. (ECE) and secured 63.17% marks in the Engineering Degree. The petitioner had registered her name in the Professional and Executive Employment Exchange on 10.12.1990. Her name was sponsored for appointment to the post of Assistant Engineer (ECE). The vacancies during the relevant point of time notified was 22 posts of Assistant Engineer (ECE). The petitioner participated in the process of selection but not selected. The grievances of the writ petitioner is that the priority quota granted to the writ petitioner has not been properly followed by the respondents by selecting the candidates on merits. Further, it is stated that the candidates, who are selected under Scheduled Caste (Women) is not within the cut off date and the candidates, who were selected under the Scheduled Caste (General) are also not within the cut off date. In respect of the bald allegations stated in the affidavit, none of the candidates were impleaded as party respondents in this writ petition.

3.This apart, the details of cut off marks and their particulars of the selected candidates were also not furnished. General allegations made in this regard cannot be considered by this Court under Article 226 of the Constitution of India. The process of selection can be challenged and a writ petition can be entertained only on exceptional circumstances. The process of selection can be challenged, if there is a illegality or irregularity, malpractices or corrupt practices in the process of selection, even if, such grounds are raised, the writ petitioner has to substantiate the same before the Court of Law. In the absence of any such incriminating evidence to establish that there are certain mal practices and corrupt practices in the process of selection, the Court would not interfere in the process of selection and by making bald allegations, no writ can be issued quashing the process of selection. In the present writ petition except certain bald allegations, the writ petitioner has not substantiated any irregularity or illegality in the process of selection.

4.The learned Government Advocate appearing on behalf of the respondents has stated that the writ petitioner has not secured the cut off marks and not within a zone of consideration and the selection is in accordance with the recruitment rules. In this regard, the respondents 1 and 2 have filed a counter statement and the 15th paragraph of the counter Affidavit is extracted here under:

"I respectfully submit in this connection that the petitioner appears to have not correctly understood the rationalisation of the marks obtained in the basic professional degree qualification. The method of consideration of the marks are as follows:-

- (i) Marks obtained in the BE/AMIE examination to be - 85% worked out for:-
- (ii) For viva-voce interview in Technical subjects and - 15% Managerial skills:-

Applying the said method notified, i.e., conversion of the degree qualification marks into 85%, as per the petitioner's admission of marks in the degree qualification(63.17 x 85/100) comes to about 53 only. As presumed by the petitioner, she has secured 10 marks out of 15 marks in the interview. Therefore, the cumulative marks of the petitioner(degree+interview) was bout 53%+10= about 63% only for the total marks of 1000. Therefore, the averment that she has scored 73.17 marks is incorrect and applying the rationalisation of degree marks into 85% and adding 10 marks obtained in the interview, her total marks for the purpose of selection is about 63% only."

5.Thus, this Court is of the opinion that the writ petitioner is not entitled for any relief since, she has not secured the required cut off marks and further, the petitioner was not within the zone of consideration for selection.

6.Thus, the writ petition is devoid of merits and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

stm/ah

To

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Professional and Executive
Employment and Training,
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Chennai-4.

+ 1 cc to Ms. R. Varalakshmi, Advocate Sr.91591

W.P. No.21670 of 2012

(CS-VI)
EU (24/01/2018)

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