

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

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

W.P.No.25391 of 2012

and

W.P.M.P.No.2 of 2012

P.Thiruvallavan

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Petitioner

vs

1. The Chairman,
Tamil Nadu Electricity Board / TANGEDCO,
No.800, Anna Salai,
Chennai 600 002.

2) The Chief Engineer / Personnel TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002

3) The Assistant Director,
Professional and Executive
Employment Office,
Santhome High Road,
Chennai 600 004

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned selection list of 410-EEE Assistant Engineers by direct Recruitment 2012 by the 2nd respondent published on 06.07.2012 and quash the same and consequently direct the 2nd respondent to keep one post vacant in the post of Assistant Engineer (Electrical and Electronics Engineering) in the present recruitment under SC General category forthwith.

For Petitioner : Mr.K.Govindan

For RR 1 & 2 : Mrs.R.Varalakshmi,
Learned Standing Counsel.

For R3 : Mr.M.Perumal,
Learned Government Advocate.

O R D E R

The relief sought for in this writ petition is seeking to call for the entire records connected with the impugned selection list of 410-EEE Assistant Engineers by direct Recruitment 2012 by the 2nd respondent published on 06.07.2012 and quash the same and consequently direct the respondent to keep one post vacant in the post of Assistant Engineer (Electrical and Electronics Engineering) in the present recruitment under SC General category for accommodating the writ petitioner.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner has completed graduation in Engineering in Electrical and Electronics Engineering. The petitioner registered his name in the Professional and Executive Employment Exchange /3rd respondent at Chennai, under the SC Non-priority category and he is periodically renewing his employment registration in accordance with the procedures. Further, the petitioner has completed Master of Technology in Power Electronics and Drives from Dr.M.G.R. Educational and Research Institute, Chennai.

3. The grievances of the writ petitioner is that he had applied for recruitment to the post of Assistant Engineer in the respondent Board and participated in the process of selection. However, he was not selected and therefore, the petitioner is constrained to move this Court by filing the present writ petition under Article 226 of the Constitution of India.

4. The learned counsel appearing for the writ petitioner states that there was a grave illegality in the selection of candidates under the non-priority category, in which, cut-off date of seniority is one of the essential mandatory eligibility condition to be satisfied for selection in such category. Further, it is stated that as per the notification, the cut-off date of seniority of registration with the Employment Exchange for SC General non-priority category was 16.08.1999 and most of the candidates in the impugned selected list who were selected under the SC General non-priority category were only between 12-20 years of age on the cut-off date i.e., 16.08.1999. There is no possibility for those candidates to register with the third respondent as per the cut-off date.

5. At the outset, the writ petitioner has raised certain doubts in respect of the selection list and further questioning the employment seniority of the candidates who were selected. However, none of those candidates who were erroneously selected as per the petitioner's contention, has not been impleaded as party respondent in the writ petition nor such allegations were

substantiated with sufficient documents so as to quash the entire selection. The process of selection can be set aside only if there is a large scale of malpractices or any illegality took place in the process of selection. If there is a corrupt activity in the process of selection and if the same is established, then the Courts can set aside the entire process of selection. Even if one or two errors took place, suitable directions shall be issued to rectify the errors and quashing of the entire selection may not be preferable. This Court has to consider the fact that, large number of candidates, who have participated in the process of selection cannot be penalized for no fault on them and even if there is an error or any illegality in respect of one or two candidates, actions are to be taken only against such errors and such illegality and quashing of the entire selection process will not arise. Entire selection process will be quashed only in the event of establishing large scale malpractices, corrupt activities or illegality in the process of selection.

6. In the present case on hand, the writ petitioner has not established any large scale irregularities or illegalities. Even the grounds raised in this writ petition have not been substantiated. This apart, learned counsel appearing for the respondents brought to the notice of this Court that the petitioner has not scored the required cut-off mark in the particular category and therefore, he was not considered for the zone of consideration for the purpose of selection. In this regard, in paragraph 13 of the affidavit filed by the respondents 1 and 2 is extracted as under:-

"13. I respectfully submit that pursuant to the said notification and the list of candidates sponsored by the third respondent, the petitioner has attended the interview. Further, it is an admitted position that the petitioner belongs to SC community and was not eligible to be considered under any priority category. It is submit that the cut-off marks for the post of Assistant Engineer / Electrical in respect of SC (EEE Branch) General (Non-priority) on merits is 69.93%; whereas the petitioner had secured only 52.88% marks. Hence, the petitioner had not reached zone of selection on merit.

1) Qualifying examination marks

(i) for 100%	56.33
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(ii) for 85%	47.88
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2) For viva-voce interview 15%	5.00
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TOTAL	52.88
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7. In view of the fact that, the writ petitioner has scored below the cut-off marks in the selection process, his case cannot be considered. Accordingly, the Writ Petition is Dismissed, as it is devoid of merits. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

- 1) The Assistant Director,
Professional and Executive
Employment Office,
Santhome High Road,
Chennai 600 004

+1cc to Mr.K.Govindan, Advocate SR.No.90193

+1cc to Mr.R.Varalakshmi, Advocate SR.No.90657

W.P.No.25391 of 2012

RJ(CO)
GN(05/02/2018)

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