

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.635 of 2011
and
M.P. Nos.1 to 3 of 2011

P.R. Kanimozhi

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its
Secretary to the Government
Personnel & Administrative
Reforms (K) Department
Secretariat, Chennai - 600 009.
2. The Chairman
Tamilnadu Electricity Board
144, Annasalai
Chennai - 600 002.
3. The Chief Engineer/ Personnel
Tamilnadu Electricity Board
144, Annasalai
Chennai - 600 002.
4. The Special Commissioner and
Commissioner, Employment
and Training, Alandur Road
Thiru Vi ka Industrial Estate
Guindy, Chennai - 600 032.
5. The District Employment Officer
District Employment Office
Vellore.
6. P. Boopathy

...Respondents

PRAYER:Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Certiorarified Mandamus, calling for the records from the 2nd

respondent pertaining to impugned selection list of 1100 Technical Assistant Posts in Electricity Board dated 21.08.2009 and quash the same and consequently direct the 2nd respondent to give post of Technical Assistant to the petitioner and pass such further orders.

For Petitioner : Mr. P. Saravanan
For Respondents : Mr.A.Zakir Hussain,
Government Advocate for R1

Mr. P.R. Dhilip Kumar
for R2 & R3

Mr. A. Rajaperumal,
Addl. Govt. Pleader for R4 & R5

No Appearance for R6

O R D E R

This Writ Petition is filed seeking to quash the proceedings issued by the 2nd respondent pertaining to impugned selection list of 1100 Technical Assistant Posts in Electricity Board dated 21.08.2009 and direct the 2nd respondent to give posting to the petitioner as Technical Assistant.

2. The learned counsel for the petitioner would submit that the Government has passed G.O.Ms.No.50 Adi Dravidar and Tribal Welfare (TD 2) Department dated 29.04.2009 regarding special reservation quota to Arunthathiyars within the reservation for Scheduled Castes. The petitioner is also one among the candidate to appear under the said category before the 4th respondent in the selection to the post of Technical Assistant. According to the petitioner, selection has been made by the respondents, without following the reservation policy. Therefore, this writ petition has been filed before this Court.

3. The learned counsel for the respondent Board would submit that subsequent to G.O.Ms.No.50 dated 29.04.2009, the Government has passed an order in G.O.Ms.No. 65 P & A.R (K) Department dated 27.05.2009 and issued a letter No.20635/K2/2009-4 dated 24.06.2009, clarifying that the said Government order will not apply to the cases where already selection process has commenced. Therefore, the petitioner is not entitled to be considered under the reservation quota allotted for 'Arunthathiyars'.

4. At the instance of the learned counsel for the petitioner this matter is posted today for 'Being Mentioned', to

place the judgement passed by the Division Bench of this Court in W.A. No.2054 of 2010, wherein paragraph 13, it is held as follows :-

" 13. The Government has directed that recruiting agencies shall apply the reservation on and after 24.09.2009, as per the revised roaster, prescribed in G.O.Ms.No.65 dated 27.05.2009. Therefore, it is very clear that the Government has clear intention to implement G.O.Ms.No.65 dated 27.05.2009 on and after the appointed date viz., 29.04.2009. In the instant case, admittedly, the selection process had taken place only on 6.7.2009 and 9.7.2009. Therefore, it is very clear that in the existing selection process, the Government's intention to apply the reservation to Arunthathiyar's category shall be given effect to. The appellant Board should have applied the reservation as they are not going to expand the reservation of 15% meant for SCs but are going to apply horizontal reservation within the quota. The writ petitioner / respondent in the Writ Appeal is a better qualified candidate from Arunthathiyar community. He appeared for the interview for the post of Technical Assistant (Electrical). In our considered opinion, when there is death of candidates, he should have been selected. But, because of non-adherence to the Rule of Reservation, he was deprived of his valuable employment when he was 34 years. Now, the writ petitioner is aged about 42 years. This Court is of the opinion that the order of the learned Single Judge, directing the Electricity Department to consider him for appointment is correct and does not require any interference. Accordingly, a direction is issued to the Electricity Department to appoint the writ petitioner, by providing age relaxation. This exercise shall be completed within a period of three months from today."

5. The learned counsel appearing for the Board would submit that the respondent shall re-do the selection list in so far as the quota for reservation of 'Arunthathiyars' is concerned, pursuant to the aforesaid judgement of this Court.

6. In the light of the said submission of the parties and the decision cited supra, this Court is inclined to direct the respondent Board to consider the application of the petitioner, taking note of the order passed by the Division Bench of this Court in W.A. No.2054 of 2010 dated and pass

appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of, with the above direction. Consequently, the connected Miscellaneous Petitions are closed. No costs.

avr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Personnel & Administrative
Reforms (K) Department
Secretariat, Chennai - 600 009.
2. The Chairman
Tamilnadu Electricity Board
144, Annasalai
Chennai - 600 002.
3. The Chief Engineer/ Personnel
Tamilnadu Electricity Board
144, Annasalai
Chennai - 600 002.
4. The Special Commissioner and
Commissioner, Employment
and Training, Alandur Road
Thiru Vi ka Industrial Estate
Guindy, Chennai - 600 032.
5. The District Employment Officer
District Employment Office
Vellore.

+1cc To Mr.P.Saravanan, Advocate, SR.No.88842
+2cc To Mr.P.R.Dhilip Kumar, Advocate, SR.No.89121
+1cc To the Govt.Pleader, vide Sr.No.89491

W.P. No.635 of 2011
and
M.P. Nos.1 to 3 of 2011

mp(CO)
kak(26/02/2019)