

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2018

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.27624 of 2007
and
M.P.No.1 of 2011

K.Poongodi

...Petitioner

Versus

1. The Chairman
Tamil Nadu Electricity Board
No.800, Anna Salai,
Chennai-600 002.
2. The Chief Engineer / Personnel
Tamil Nadu Electricity Board
No.800, Anna Salai,
Chennai-600 002.
3. The Selection Committee
O/o. The Chief Engineer/Distribution
Tamil Nadu Electricity Board
Tatabad, Coimbatore - 641 012.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, declaring that the non-selection of the petitioner to the post of the Assistant Engineer (Electrical) for the year 2005-2006 without considering the status of the petitioner as the member of the family whose lands have been acquired coupled with the acquisition of the qualification prescribed to the post of the Assistant Engineer (Electrical) is null and void and consequently, the petitioner would be entitled to be considered for the appointment for the post of the Assistant Engineer (Electrical) for the year 2005-2006.

For Petitioner : Mr.G.Ananda Kumar

For Respondents : Mr.P.R.Dhilipkumar
Standing counsel (TNEB)

O R D E R

The petitioner has filed this petition seeking declaration that the non-selection of the petitioner to the post of the Assistant Engineer (Electrical) for the year 2005-2006, without considering the status of the petitioner as the member of the family whose lands have been acquired coupled with qualification is null and void and for consequential relief.

2. The petitioner was called for an interview by the first respondent to appear before an interview before the second respondent vide Memorandum No.02642/G55/G551/-2005 dated 28.8.2005. Accordingly, the petitioner appeared before the second respondent and submitted all the relevant certificates and according to her, she is fully eligible for the above said post. There is also one clause in the application, which needs to be filled is Category G, which states that member of the family whose lands acquired by the Government can apply. In that case also, the petitioner is eligible since 2.43.0 Hectares of lands belonging to the petitioner's family have been acquired for Sugar Mills. Despite all the above, the petitioner has not been selected for the above post. Hence, the petitioner made a representation to the Chief Minister Cell seeking for appointment for the post of Assistant Engineers. Since, her representation was not considered, she had filed the present writ petition with the aforesaid prayer.

3. The learned counsel for the petitioner would submit that, though the petitioner's land to an extent of 2.43.0 Hectares was acquired by the Government for establishing Salem Co-operative Sugar Mill and also produced a certificate to that effect, she was not offered the job as offered during the acquisition of land. Though, the admitted fact remains that the petitioner is fully qualified and falls under the category of priority group and also produced a certificate to that effect, she was not considered for employment in the said post of Assistant Engineer (Electrical) is un-sustainable one. Accordingly, he prays for allowing the writ petition.

4. I have perused the counter affidavit filed by the respondents. The relevant portion of the affidavit is extracted hereunder:

"12) I respectfully submit that the Full Board has resolved and authorised the Chairman to decide the mode of selection within the frame work available in the regulations. Orders have been issued in (Per.) B.P. (FB) No.22, (Administrative Branch), dated 01.08.2005 for filling up of 300 posts of Assistant Engineer/Electrical and 25 posts of Assistant Engineer/Mechanical by direct recruitment through

Employment Exchange. Based on the orders/authorisation of the Full Board, the Chairman has approved the proposal of filling up of the vacancies of Assistant Engineer/Electrical and Assistant Engineer/Mechanical and ordered as per Service Regulations, that the interview may be conducted by nominating Selection Committee consisting of Regional Chief Engineer and two Superintending Engineers and to adopt the following guidelines to award marks:-

(i) Marks obtained in the BE/AMIE examination to be worked out for: -85%

(ii) For viva-voce interview in Technical subjects and Managerial skills:

-15%

13) I respectfully submit that since her name was sponsored by Employment Exchange in the Backward Community non-priority category, her name was not considered in the priority category i.e., Backward Community for appointment to the post of Assistant Engineer/Electrical by Direct Recruitment through Employment Exchange 2005-2006."

5. On perusal of the above, the petitioner's name was not sponsored by the Employment Exchange for the Backward Community non-priority group for the year 2005-2006. Since, the petitioner's name was not sponsored by the employment exchange, the respondent is not in a position to select the candidate in the priority group. Moreover, the petitioner has filed the writ petition in the year 2007, after a lapse of 11 years and now the petitioner had crossed 50 years of age. Hence, nothing survives for further adjudication in this case.

6. In view of the above, the petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-V)

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Sub Assistant Registrar

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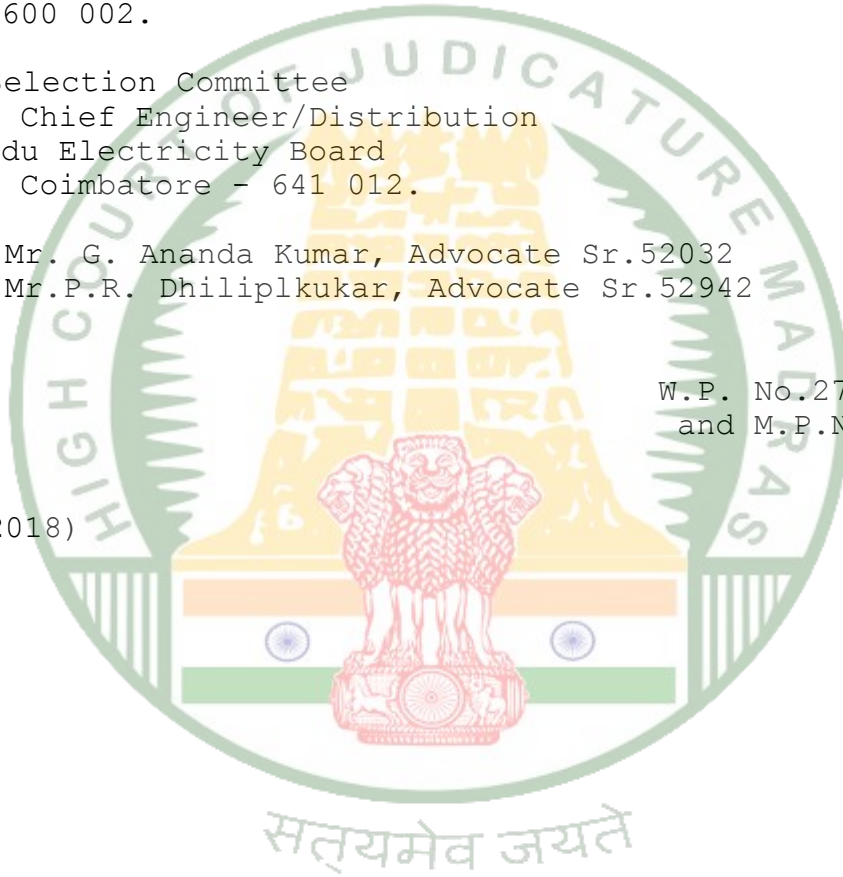
To

1. The Chairman
Tamil Nadu Electricity Board
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2. The Chief Engineer / Personnel
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+ 1 cc to Mr. G. Ananda Kumar, Advocate Sr.52032
+ 1 cc to Mr.P.R. Dhilipkumar, Advocate Sr.52942

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(Cs-V)
EU(14/09/2018)



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