

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.10.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.28092 of 2017 and WMP No.32756 of 2018

- 1.M.D.Chandrasekar
- 2.M.Jothilakshmi
3. S.Mahesh
4. J.Deepa

... Petitioners

Versus

1. The Tamil nadu Generation and Distribution Corporation Limited,
Rep. By its Secretary,
No.144, Anna Salai,
Chennai 600 002.
2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Limited,
No.144, Anna Salai,
Chennai 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st respondent to complete the process of selection of 500 Technical Assistant / Electrical and 25 Technical Assistant / Mechanical as per the procedure set out in Notification No.01/2016 dated 28.02.2016 by fixing an early date for interview and permitting the selected candidates in the ratio of 1:5 to attend the interview based on the ranking and as per rule of reservation within the time frame fixed by this Hon'ble Court and published the results.

For Petitioner : Mrs.Nalini Chilambaram
Senior Counsel for Mrs.C.Uma

For Respondents : Mr.P.R.Dhilip Kumar, Standing Counsel

O R D E R

The grievance of the petitioner in this case is that they had made application pursuant to the Notification No.01/2016 made by the 1st respondent for selection of 500 Technical

Assistant / Electrical and 25 Technical Assistant / Mechanical dated 28.02.2016. The written examination for the same has been concluded and result has been published. But no call for oral test has been given to the candidates selected in the examination in the ratio of 1:5 though the result of the written examination was published in April 2017 for no reasons inasmuch as in two connected writ petitions pending before the Division Bench of this Court vide W.P.Nos.10374 of 2016 and 13055 of 2017, no interim order has been passed restricting the respondents to conduct the oral test.

2. During the hearing on admission, the learned counsel appearing for the writ petitioner submits that the procedure of selection prescribed in the notification is that the written examination shall be followed by a viva voce examination by giving call to the qualified candidates in the ratio of 1:5 subject to the rule of reservation and as such after release of the selection list of the written examination, the petitioner, who qualified in the written test, had a legitimate expectation to appear in the viva examination for the purpose of selection. Though the written examination result was published in April 2017 but the respondents have failed to conduct the oral test for selection. Hence, this writ petition has been filed seeking the relief. It is submitted that two connected writ petitions filed vide W.P.Nos.10374 of 2016 and 13055 of 2017, which are pending before a Division Bench, no order injuncting the respondents not to proceed with the recruitment having been passed, there is no impediment to conduct the oral test. Hence, the petitioner is entitled to the relief sought for.

3. Mr.Dhilip Kumar, who is the Standing Counsel for the respondent is present and intimate this Court that the aforesaid writ petitions are pending but does not dispute that the result of the written test has already been published.

4. However, the learned counsel appearing for the writ petitioner could not bring to the notice of this Court that any legal obligation is there on the part of the respondents to conduct the recruitment and publish the final selection list to fill up the post in a time bound manner. In the notification made, no time schedule was also indicated within what time the recruitment process shall be concluded. Furthermore, the respondents have also the discretion not to proceed with the recruitment from any particular stage and cancel the recruitment, if the facts and situations so warrant. Therefore, no statutory duty to conduct the recruitment in a time bound manner being there on the respondent nor right of the petitioner can be read in the notification to ask the respondent the relief sought for, the writ petition filed seeking the relief is misconceived.

5. In such premises, I am unable to accept the submission made by the learned counsel for the petitioner to entertain this writ petition, to issue a writ of mandamus as prayed for inasmuch as in my considered opinion, the petitioners are not entitled to the relief invoking the jurisdiction of this Court under Article 226 of the Constitution of India. Hence the writ petition stands dismissed at the stage of admission. Consequently, the W.M.P. No.32756 of 2018 filed for interim relief stands closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
The Tamil nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai 600 002.
2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Limited,
No.144, Anna Salai,
Chennai 600 002.

+1cc to Mr.C.Uma, Advocate, S.R.No.73415

W.P.No.28092 of 2018

MR(CO)
GSP(29/10/2018)

सत्यमेव जयते

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