



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P (MD) No.7026 of 2011

and

MP (MD) No.1 of 2011

M.Karuppasamy

... Petitioner

Vs.

Deputy General Manager,
(Human Resource)
Bharat Heavy Electrical Limited,
Trichy - 14.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the respondent in TP:HR:R:ADVT 289 dated 26-11-2010 and quash the same and consequently direct the respondent to appoint the petitioner for the post of Artisan.

For Petitioner : Mr.M.Rajarajan

For Respondent : Mr.A.V.Arun

ORDER

The relief sought for in this writ petition is to quash the order passed by the respondent on 26.11.2010 and to direct the respondents to appoint the petitioner to the post of Artisan.

2.The learned Counsel appearing on behalf of the respondent brought to the notice of this Court that the same issues in respect of the appointment to the post of Artisan was considered by this Court, in WP(MD)Nos.2179, 2180 and 2642 of 2011 and orders were passed on 16.12.2014, which reads as follows:-

"4. From the facts made available herein, it is now seen the Petitioners valuation papers were not subjected to any revaluation and their original marks awarded remained good. The respondent herein is in order to show that the marks obtained by the Petitioners produced the details of marks secured by all ex-servicemen vis-a-vis and the cut off marks as per which the Petitioners by name Gunasekaran, Anbalagan have been obtained 37.083(OBC) 36.875 (OBC-33.083



(general). As per the original valuation, the cut off marks prescribed for General category, OBC and SC category was 30.000, 30.833 and 23.750. As such the Petitioners having obtained marks over and above the cut off marks were originally offered the appointment and whereas after revaluation the cut off marks prescribed was general-40.000, OBC-40.833 which is based on the higher marks obtained by all the candidates in the revaluation. In that event, the learned counsel for the respondent pointed out that the Petitioners 1 to 3 by obtaining lesser marks did not come within the zone of consideration and were not considered for the appointment. It is submitted on the side of the respondent herein that there were 525 vacancies and the applications called for was in 1:3 ratio and the total applications called for was 1575 and the Petitioners have not come within the zone of consideration of 525 candidates, as such their case is rightly rejected for appointment to the posts concerned. The facts above stated regarding marks obtained, the category to which the Petitioners belong to and the cut off marks fixed and marks obtained by the selected candidates as furnished in the counter filed by the respondents are not seriously disputed by the learned counsel for the petitioners. But the learned counsel for the Petitioners would only contend that 14.5% posts equivalent to 75 posts are reserved for ex-servicemen and would further appeal to this Court that as three posts are kept vacant pursuant to the interim orders passed in this Writ Petition and the Petitioners may be considered in the above three vacancies to the post of Trade Artisan fixed for Ex-Servicemen. The relief sought for herein is opposed mainly on the side of the respondents on the ground that the petitioners have obtained lesser marks which keep them out side the zone of consideration even to consider them for the post within the quota fixed for Ex-Servicemen. Considering the quantum of marks obtained, this Court is inclined to accept the objection raised herein as the Petitioners are now found to be not eligible to be considered for the selection to the post."

3.Challenging the order of the learned Single Judge, the petitioners therein preferred WA(MD)Nos.467, 156 and 984 of 2017 and the Hon'ble Division Bench of this Court passed final orders on 20.07.2017, which reads as follows:-

"3.The learned single Judge noted that the writ petitioners did not even come within the zone of consideration. In Paragraph No.4 of the order passed by the learned single Judge order dated 16.12.2014, the cut off marks and the details of the marks secured by the writ petitioners had been set out. The marks scored by the writ petitioners fell below the said cut off mark. Therefore, the writ petitioners could not even be



considered. The writ petitioners cannot take advantage of the error that was committed by the respondent while evaluating the answer sheets. The order passed by the learned single Judge is well reasoned. We concur with the same. There are no merits in these writ appeals. Accordingly, these writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed."

4. In view of the order passed by the Hon'ble Division Bench, no further consideration is required in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, MP(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.A.V.Arun , Advocate in SR No. 46395

dsk

AE/MR/SAR3/22.02.2018/3P/2C

W.P (MD) No. 7026 of 2011
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