



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) Nos. 3652, 3653, 3670, 3671, 3715, 7996 and 7997 of 2014**and****M.P. (MD) .Nos. 1, 1, 1, 1, 1, 1, 1, 2, 2, 2, 2, 2, 2, 3 and 3 of 2014**

G.Srinivasan	...Petitioner in WP(MD).No.3652 of 2014
S.Naveen	...Petitioner in WP(MD).No.3653 of 2014
P.Thirukumaran	...Petitioner in WP(MD).No.3670 of 2014
G. Jeyasangari	...Petitioner in WP(MD).No.3671 of 2014
S.Muthuvel	...Petitioner in WP(MD).No.3715 of 2014
Govindaraj	...Petitioner in WP(MD).No.7996 of 2014
Ramachandran	...Petitioner in WP(MD).No.7997 of 2014

- Vs. -

1. The Chairman, Tamil Nadu

Generation and Distribution Corporation Limited,

144, Anna Salai, Chennai

2. The Chief Engineer,

Tamil Nadu Generation and Distribution Corporation Limited,

144, Anna Salai, Chennai

3. The Chief Engineer/ Distribution,

Tirunelveli Region,.

Tamil Nadu Generation and Distribution Corporation Limited,



1. Tamil Nadu Electricity Board,

Rep. by its Chairman, 800, Anna Salai, Chennai - 22.

2. The Director of Technical Education,

Tamil Nadu, Guindy, Chennai.

... Respondents in WP(MD).No.3653 of 2014

1. Tamil Nadu Electricity Board,

Represented by its Chairman

800 Anna Salai, Chennai 22.

2. The Director of Technical Education,

Tamil Nadu, Guindy, Chennai.

... Respondents in WP(MD).No.3670 of 2014

1. Tamil Nadu Electricity Board,

Represented by its Chairman

800 Anna Salai, Chennai 22.

2. The Director of Technical Education,

Tamil Nadu, Guindy, Chennai.

... Respondents in WP(MD).No.3671 of 2014

1. The Tamilnadu Electricity Board

Rep by its Chairman, 800 Annasalai, Chennai-22.

2. The Director of Technical Education,

Guindy, Chennai.

... Respondents in WP(MD).No.3715 of 2014

1. The Chairman,

TANGEDCO, 144, Anna Salai, Chennai 2



2. The Chief Engineer,

TANGEDCO, 144, Anna Salai, Chennai 2

3. The Superintending Engineer,

TANGEDCO (Distribution), Madurai Region, Madurai

... Respondents in WP(MD).No.7996 of 2014

1. The Chairman,

TANGEDCO, 144 Anna Salai, Chennai - 2.

2. The Chief Engineer,

TANGEDCO, 144 Anna Salai, Chennai - 2.

3. The Superintending Engineer,

TANGEDCO (Distribution),

Madurai Region, Madurai - 7.

... Respondents in WP(MD).No.7997 of 2014

Prayer in WP(MD).No.3652 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Selection List of Technical Assistant/Electrical by Direct Recruitment for the year 2013-2014 dated 24.2.2014 issued by the 1st respondent and quash the same in so far as non-selection of the petitioner in the post of Technical Assistant/Electrical Backward Class (non-priority category) and consequently direct the respondents to include the petitioners name in the Selection Panel List for the year 2013-14 and quash the same and consequently direct the respondents to appoint the petitioner as Technical Assistant / Electrical in the 3rd respondent office as per the Employment Seniority by giving preference to the petitioner, who has completed Apprenticeship Training in Tamil Nadu Electricity Board.

Prayer in WP(MD).No.3653 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to selection list for the post of Technical Assistant (EEE) published by the respondent corporation on 24.02.2014, on the file of the 1st respondent Board to conduct recruitment afresh for the post of Technical Assistant (EEE).



Prayer in WP(MD).No.3670 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Certiorarified Mandamus or any other order or orders in the nature of Writ calling for the records relating to selection list for the post of Technical Assistant (EEE) published by the respondent corporation on 24.2.2014 on the file of the 1st respondent and quash the same and consequently direct the 1st respondent Board to conduct recruitment afresh for the post of Technical Assistant (EEE) and pass any other order or orders as this Hon'ble Court.

Prayer in WP(MD).No.3671 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Certiorarified Mandamus or any other order or orders in the nature of Writ calling for the records relating to selection list for the post of Technical Assistant (EEE) published by the respondent corporation on 24.2.2014 on the file of the 1st respondent and quash the same and consequently direct the 1st respondent Board to conduct recruitment afresh for the post of Technical Assistant (EEE) and pass any other order or orders as this Hon'ble Court.

Prayer in WP(MD).No.3715 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the selection list for the post of Technical Assistant (EEE) published by the respondent corporation on 24.2.2014 on the file of the 1st respondent and quash the same and consequently direct the 1st respondent board to conduct recruitment afresh for the post of Technical Assistant (EEWE).

Prayer in WP(MD).No.7996 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire files from the 1st respondent, in respect of the impugned selection list of ITI Helper (Trainee) by Direct Recruitment 2013-2014 , dated 20.02.2014 on the official website and quash the same in respect of the selected candidates who secured lesser marks than the petitioner among the Scheduled Caste (Arunthathiyar) candidates and consequently direct the 1st respondent to include his name in the above selection list by considering representation dated 22.02.2014 and his application NO. 5930 and pass such further or other orders.

Prayer in WP(MD).No.7997 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire files from the 1st respondent, in respect of the impugned selection list of ITI Helper (Trainee) by Direct Recruitment 2013-2014, dated 20.02.2014 on the official website and quash the same in respect of selected candidates who

secured lesser marks than the petitioner among the Scheduled Caste (Arunthathiyar) candidates and consequently direct the 1st respondent to include the same in the above selection list by considering the representation dated 22.02.2014 and his application No. 5923.

For Petitioner : Mr.V.Sasi Kumar in WP(MD)No.3652 OF 2014
 Mr.K.Bhaskaran in WP(MD)No.3653 OF 2014
 Mr.T.A.Ebenezer in WP(MD)No.3670 & 3671 OF 2014
 Mr.F.Deepak in WP(MD)No.3715 OF 2014
 Mr.M.Solai Samy in WP(MD)No.7996 and 7997 OF 2014

For Respondents : Mr.G.Kasinathadurai,
 in WP(MD)No.3652 OF 2014
 Mr.G.Kasinathadurai, For R1 in
 WP(MD)Nos.3653, 3670, 3671, 3715 of 2014
 Mr.S.Dayalan Government Advocate for R2 in
 WP(MD)Nos.3653, 3670, 3671, 3715 of 2014
 and Respondents in WP(MD)NO.7996 AND 7997 OF 2014.

COMMON ORDER

The relief sought for in these writ petitions is to quash the selection list of Technical Assistant/Electrical by Direct recruitment for the year 2013-14, dated 24.02.2014, issued by the first respondent.

2.The writ petitioners seek to quash the selection list for appointment to the post of Technical Assistant (Electrical). Mainly, on the ground that the writ petitioners had completed apprenticeship training in the Electricity Board and therefore, they must be given preference over and above of other open market candidates.

3.The learned counsel appearing for the writ petitioners states that the practice of providing preference to these apprenticeship candidates were prevailing in the Electricity Board and the same benefit is to be extended in respect of the selection of the year 2013-14 also.

4.The learned counsel appearing on behalf of the respondent/ Board as well as the learned Government Advocate appearing on behalf of the second respondent states that the selection and appointments are made in accordance with the recruitment rules in force and through open competitive process. There is no preference contemplated in respect of the candidates, who had undergone apprenticeship training with the Board. All candidates are bound to participate in the process of selection for the purpose of securing employment in the Tamil Nadu Electricity Board and preference to these apprenticeship trainings are not provided under the rules. Even in the recruitment notification, it is clarified that the selection process was done strictly in accordance with the terms and



conditions stipulated in the recruitment notification and there is no preference for the candidates, who had undergone the apprenticeship training.

5. This being the conditions of the recruitment notification and the writ petitioners also had participated in the process of selection accepting the terms and conditions of the recruitment notification. Thereafter, they cannot turn back and file these writ petitions stating that the preference must be given to them under the category of apprenticeship trainees. The candidates, who accepted the terms and conditions of the recruitment and participated in the process of selection cannot turn around and filed these writ petitions on the ground that the preference must be given to the apprenticeship trainees. Such a claim can never be entertained by this Court. The unsuccessful candidates cannot file a writ petition challenging the terms and conditions, when they had accepted the terms and conditions of the recruitment notification and participated in the process of selection. This apart, the process of selection had been concluded long back and the selected candidates were appointed and serving in the Board for the past more than 5 years.

6. This being the factum, no further consideration is required in respect of the claim set out in the present writ petition and the writ petitions are devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

ASSISTANT REGISTRAR (CS III)

// TRUE COPY //

SUB ASSISTANT REGISTRAR (CS)

Ns

To

1. The Chairman,

Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai

2. The Chief Engineer,

Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai



3.The Chief Engineer/ Distribution,
Tirunelveli Region, .

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Tamil Nadu Generation and Distribution Corporation Limited,
Tirunelveli - 1.

4.The Director of Technical Education,
Tamil Nadu, Guindy, Chennai.

5. The Superintending Engineer,
TANGEDCO (Distribution), Madurai Region, Madurai - 7.

+2cc to Mr.G.Kasinathadurai, Advocate Sr No.69836 and 69978

+1cc to Mr.V.Sasi Kumar, Advocate Sr No.69865

+1cc to Special Government Pleader, Sr.No.69763

ES

12/07/2019

7P/10C

W.P. (MD) Nos.3652, 3653, 3670, 3671, 3715, 7996 and 7997 of 2014
and

M.P. (MD) .Nos.1,1,1,1,1,1,1,1,2,2,2,2,2,2,2,3 and 3 of 2014

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