



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4168 of 2014

and

M.P. (MD) Nos.2 & 3 of 2014

K.Mohanram

... Petitioner

vs.

1.Tamil Nadu Generation and
Distribution Corporation Limited
rep.by its Chairman
(TANGEDCO)
44, Anna Salai, Chennai

2.The Chief Engineer Distribution
Tamil Nadu Generation and
Distribution Corporation Limited
Tirunelveli Region, Tirunelveli

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned selection list of ITI Helper (Trainee) by Direct Recruitment for the year 2013-14 dated 20.2.2014 issued by the 1st respondent and quash the same in so far as non-selection of the petitioner in the post of ITI Helper (Trainee) and consequently direct the respondents to include the petitioner's name in the Selection Panel List for the year 2013-14.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.G.Kasinathadurai
Standing Counsel for TNEB

O R D E R

The ground, on which the present writ petition has been filed, is that the selection for appointment to the post of Helper was not conducted in accordance with the established procedures.

2. It is contended by the learned counsel for the writ petitioner that the marks secured by the candidates in the interview should have been published even before publishing the results of the selected candidates. However, the respondents had not done so. It is further contended by the learned counsel for the writ petitioner that the process of selection to the post of



Helper was not conducted transparently and the meritorious candidates were not provided with an opportunity to secure appointment.

3. The learned Standing Counsel appearing for the respondents states that the process of selection and appointment to the post of Helper had been concluded long back during the year 2014 and the selected candidates were appointed and are working as Helpers for the past more than five years.

4. This Court is of the considered opinion that the broad allegations raised in the present writ petition cannot be considered at this length of time. The process of selection and appointment can be set aside only if the allegations of malpractices, illegalities or corrupt activities are established through oral and documentary evidence. In the absence of any such clear evidence to show that the selection was conducted illegally, this Court cannot interfere with the process of selection. This apart, the selection for the post of Helper was concluded during the year 2014 and the selected candidates were appointed and they are working as Helpers for the past more than five years. Under these circumstances, the relief as such sought for in the present writ petition cannot be granted.

5. At this juncture, the learned counsel for the writ petitioner submitted that the persons, who secured lesser marks, were appointed as Helpers. In such an event, the writ petitioner ought to have impleaded those candidates as party respondents in the present writ petition and challenged their appointment orders. Without doing so, the appointments made in favour of third parties cannot be quashed by this Court in the present writ petition.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Krk

+1CC TO MR.G.KASINATHADURAI, Advocate Sr. No. 73641

W.P. (MD) No.4168 of 2014
and M.P. (MD) Nos.2 & 3 of 2014