

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 20.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**W.P. (MD) No.4246 & 4247 of 2014andM.P. (MD) Nos.2 and 3 of 2014 in both W.Ps

J.Vincent,

... Petitioner in W.P. (MD) No.4246/2014

S.Justus John,

... Petitioner in W.P. (MD) No.4247/2014

- Vs. -

1. The Chairman,
TANGEDCO Administrative Bench,
No. 144, Anna Salai,
Chennai 2

2. The Chief Engineer (Personnel)
TANGEDCO,
Administrative Bench,
No.144, Anna Salai,
Chennai 2

3. The Superintending Engineer,
Kanyakumari ED Circle,
TANGEDCO,
Parvathypuram,
Nagercoil.

... Respondents in both W.Ps

COMMON PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records of the 1st respondent of the Selection List of candidates for Direct Recruitment for 2012 to the post of ITI Helper (Trainee) to the Selection List of 4000 Numbers of Helper (Trainee) by Direct Recruitment published in the website on 20.02.2014 in so far as the name of the petitioners have not been considered even though the petitioners are qualified in all aspects and quash the same in so far as the petitioners' case have not been considered and further direct the first Respondent to consider their selection after due revision of the list with regard being on communal Rotation, employment seniority and marks obtained in the interview.



(In both W.Ps)

For Petitioners : Mr.D.Vellaichamy

For Respondents : Mr.S.M.S.Johnny Basha

WEB COPY

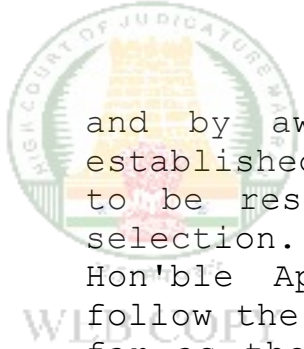
COMMON ORDER

The relief sought for in the present writ petitions are to quash the list of candidates selected for appointment to the post of Helper (Trainee) by way of Direct Recruitment for the year 2012.

2. 4,000 candidates were selected pursuant to the process of selection conducted for appointment to the post of I.T.I. Helper and the selected candidates were appointed as helper during the year 2013-14. All those candidates, who were appointed, are now serving in the respondent Board.

3.The writ petitioners though challenged the selection list consist of 4,000 selected candidates, the petitioners have not impleaded any candidate from the selection list nor impleaded even the junior candidates, who were selected as per the averment set out in the affidavit filed in support of the writ petitions. At the out set, the necessary parties were not impleaded when the entire selection list is under challenge in the writ petitions all selected candidates are to be impleaded as party respondents or at least the petitioners ought to have filed a petition under Rule 2 (A) of the Rules to Regulate Proceedings under Article 226 of the Constitution of India of the Appellate Side Rules and related Rules, so as to conduct an effective adjudication of the issues raised in these writ petitions. In the absence of impleading all such necessary parties, this Court cannot adjudicate the issues in respect of the selection already made to the post of Helper (Trainee).

4. This apart, the learned counsel for the petitioner states that the selection was conducted not even in accordance with the procedures contemplated and the interview marks were granted at the whims and fancies of the competent authorities. Though such bald allegations are raised, the writ petitioners have not substantiated with the concrete allegations of malpractices, illegality or corrupt activities. In the absence of sufficient proof to establish the *malafide* or the corrupt activities or malpractice in the selection, this Court cannot interfere with the process of selection. Undoubtedly, conducting selection by providing 100 marks for interview alone is contrary to the established principles of law. Hereafter, the respondents are bound to conduct the selection by conducting written examinations



and by awarding marks for other criteria by following the established principles for selection and the interview marks are to be restricted to 15% total marks fixed for the process of selection. This being the established procedures upheld by the Hon'ble Apex Court of India, the respondent hereafter should follow the established procedure for the purpose of selection. As far as the case of the writ petitioners is concerned, this Court cannot interfere with the process of selection, now, after this length of time and the selected candidates were appointed long back and serving in the Board for the past 5 years.

5. Under these circumstances, the writ petitioners are at liberty to participate in the forthcoming process of selection if any Recruitment notifications are issued by the respondent Board.

6. With these observations, these writ petitions are dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS)

W.P. (MD) No. 4246 & 4247 of 2014
20.06.2019

_KM/ (10.07.2019) 3P 1C