



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 4317 of 2014

and

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

S. Nagarajan

... Petitioner

vs.

1. The Chairman

Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai

2. The Chief Engineer / Personnel

Tamil Nadu Generation and Distribution
Corporation Ltd., Chennai

3. The Selection Committee

Office of the Superintending Engineer
Virudhunagar ED Circle
TNGEDCO, 65/1, Ramamoorthy Road
Post Box No. 86, Virudhunagar 626 001

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari mandamus calling for the records pertaining to the selection list of Helper (Trainee) by Direct Recruitment 2013-2014 in the Electricity Department published on 20.02.2014 in their official website and quash the same in respect of selected candidates who secured the marks less than the petitioner among the BCO candidates consequently direct the respondents to include the petitioner's name in the selected list for the post of Helper (Trainee) based on his Application No. 13107 dated 07.11.2013.

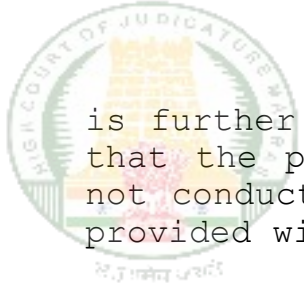
For Petitioner : Mr. P. Ganapathi Subramanian

For Respondents : Mr. G. Kasinathadurai

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

3. The learned counsel appearing for the respondents states that the process of selection and appointment to the post of Helper (Trainee) had been concluded long back during the year 2014 and the selected candidates were appointed and they are working as Helpers (Trainees) 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 (Trainee) was concluded during the year 2014 and the selected candidates were appointed and they are working as Helpers (Trainees) 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 than the writ petitioner, were appointed as Helpers (Trainees). 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(AD-I)

/TRUE COPY/

Sub Assistant Registrar(CS)

+1 CC to M/s.G.KASINATHADURAI, Advocate SR-7363

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and

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