



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No. 19487 of 2019

and

W.M.P (MD) .No. 15927 of 2019

WEB COPY

M. Rajadurai

... Petitioner

-Vs-

1.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO), 144, Anna Salai,
Chennai - 600 002.

2. The Registrar,
Anna University,
Chennai.

...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 notification in letter 024396/108/G.57G.G.571/2015-19-3, dated 26.08.2019 on the file of the first respondent and quash the same and consequently direct the first respondent to appoint the petitioner for the post of Technical Assistant/Electrical in the first respondent Department.

For Petitioner : Mr.A.L. Kannan

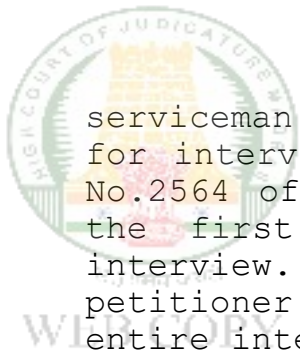
For Respondent-1 : Mrs. S. Srimathy,
Standing Counsel

For Respondent-2 : Mr.M. Rajarajan
Government Advocate

ORDER

The writ petition has been filed to quash the notification in letter 024396/108/G.571/2015-19-3, dated 26.08.2019, issued by the first respondent and also sought for a consequential direction to the first respondent to appoint the petitioner for the post of Technical Assistant/Electrical in the first respondent Department.

2. The case of the writ petitioner is that his educational qualification is Diploma in Electrical and Electronic Engineering. He belongs to Most Backward Class community. His father is a Ex-serviceman. In response to the Notification issued by the first respondent, the petitioner has applied for the post of Technical Assistant in TANGEDCO under priority of Ex-serviceman quota. He has scored 20.17 marks out of 100 marks in the written examination. The cut-off marks for priority under the Most Backward Community Ex-



serviceman quota is 0.9 marks, but, the petitioner was not called for interview. Therefore, he has filed a writ petition in W.P.(MD) No.2564 of 2019. This Court, by Order dated 08.02.2019, directed the first respondent to permit the petitioner to attend the interview. The petitioner attended the interview on 11.02.2019. The petitioner scored 6 marks out of 10 marks in the interview. The entire interview was videographed.

3. The further case of the writ petitioner is that in W.P (MD) No.2564 of 2019, the first respondent has taken a stand that the petitioner has not filled up the column properly in the application as "MBC Ex-servicemen Dependent Quota". Hence, the petitioner has filed another writ petition in W.P.(MD) No.4113 of 2019 seeking for a direction to the first respondent to furnish a copy of the original application uploaded by the petitioner for the post of Technical Assistant in TANGEDCO Direct Recruitment 2016-2017 conducted by the first respondent. While so, the first respondent by communication dated 10.04.2019, informed all the Superintending Engineers that the allotment orders to the selected 523 Technical Assistant/Electrical and Technical /Mechanical are issued through E-mail id trdcinfo@tnebnnet.org on 02.04.2019. On verification of the records, the petitioner came to know that the petitioner's selection was withheld in view of the pendency of the writ petition in W.P.(MD) No. 2564 of 2019, eventhough, the petitioner was selected for the post of Technical Assistant (Electrical), based on the marks secured in the test conducted by the first respondent. The appointment order was not issued to the petitioner on the ground that the aforesaid writ petition is pending.

4. Therefore, the petitioner has made a representation under the Right to Information Act for production of original application uploaded by the writ petitioner. Even after statutory period, the first respondent did not furnish a copy of the said application. Hence, the petitioner has filed yet another writ petition in W.P. (MD) No.10565 of 2019 seeking for a direction to the first respondent to pass appropriate orders for the appointment of the petitioner, based on his representations, dated 09.04.2019 and 11.04.2019 for the post of Technical Assistant (Electrical) in TANGEDCO Direct Recruitment 2016 - 2017 conducted by the first respondent. This Court, by order dated 27.04.2019, directed the first respondent to consider the representations of the petitioner. As per the order passed by this Court, the first respondent, by communication dated 20.06.2019, directed the petitioner to appear for personal hearing on 29.06.2019 at 03.00 p.m.

5. The further case of the writ petitioner is that the first respondent informed the petitioner that the original application is in the custody of the Ramanujam Computing Centre in the Anna University and he will issue the same as soon as it was received from the Anna University. The original application is with the first respondent. It is for them to produce the same to substantiate



their contention that the petitioner did not fill up the column "MBC Ex-servicemen Dependent Quota". It is duty of the first respondent to maintain the records till the selection process is over.

6. The learned counsel for the petitioner submitted that the impugned communication is invalid and illegal and prayed for allowing the writ petition.

7. The learned counsel appearing for the first respondent contended that the petitioner did not apply for the post under "MBC Ex-servicemen Dependent Quota". The petitioner has not filled up the said column properly. The petitioner was not permitted to attend the interview. As per the Order of this Court, the petitioner has not produced the original application before the first respondent. Therefore, the petitioner is not entitled to get appointment under "MBC Ex-servicemen Dependent Quota". The impugned order is valid and legal and prayed for dismissal of the writ petition.

8. Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the first respondent/TANGEDCO and the learned counsel appearing for the second respondent.

9. From the facts narrated above, it is seen that this case has chequered history on every stage. After written examination, the petitioner was forced to approach this Court for orders to permit him to attend the interview; and for order directing the first respondent to dispose his representation and direction to produce the original application. Now, the petitioner has again is knocking at the doors of this Court for quashing the impugned communication, directing the first respondent to produce the copy of the original application and for a direction to the first respondent to appoint the petitioner for the post of Technical Assistant (Electrical).

10. From the above facts, it is seen that the first respondent has taken a peculiar stand directing the petitioner to produce a copy of the application uploaded by him through online. Only based on the application of the petitioner, he was called for written test and he scored marks than the cut-off marks, but the petitioner was not called for interview and was not issued with appointment order, on the very same ground that he has not produced a copy of the original application. When the first respondent has come out with the specific case that the petitioner has not filled up the column while he applying through online viz., "MBC Ex-servicemen Dependent Quota", they must be having the application form with them. Without application form, the first respondent cannot take a such stand. The first respondent has not produced a copy of the original application, when the petitioner sought for the same under the Right to Information Act. When the petitioner filed

<https://hcservices.courtserv.in/hcservices/> in W.P. (MD) No.4113 of 2019, seeking for a direction



to the first respondent to furnish a copy of the original application uploaded by the petitioner for the post of Technical Assistant in TANGEDCO Direct Recruitment 2016-2017 conducted by the first respondent. This Court by order, dated 14.03.2019, has held as follows.

" the petitioner was permitted to participate in the interview, conducted for the post of Technical Assistant. Therefore, nothing survives in the writ petition for further adjudication."

11. When such a stand taken by the first respondent, it amounts to first respondent admitting the petitioner applied under priority quota of "MBC Ex-servicemen Dependent Quota". In reply to the request of the petitioner, dated 08.02.2019, the first respondent has stated that the original application is under the custody of Ramanujam Computing Centre in the Anna University. He will issue the appointment order, as soon as, the same was received by him from the Anna University. Even, after that, the first respondent has not produced original application filed by the petitioner. The first respondent has not filed copy of the application filed by the petitioner and taking a stand in the writ petition in W.P.(MD) No.4113 of 2019 "that nothing survives", now the first respondent, cannot direct the petitioner to produce a copy of the original application by the impugned order.

12. The contention of the learned counsel appearing for the petitioner that the first respondent has to preserve the records till the selection process is over, has considerable force and is acceptable. The first respondent acted in indifferent manner and officials of the first respondent have not discharged their duties properly. The officials of the first respondent are playing with the life of the young people like petitioner by their inefficiency and by not properly discharging their duties.

13. For the above reasons, the instant Writ Petition is allowed and the impugned order 024396/108/G.571/2015-19-3, dated 26.08.2019, is set aside. The first respondent is directed to issue appointment order to the petitioner for the post of Technical Assistant (Electrical) in the first respondent Department and pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) as costs to the petitioner for making him to approach this Court repeatedly to get his grievance redressed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //



To

The Registrar,
Anna University,
Chennai.

+2 CC to M/s.AL. KANNAN, Advocate (SR-97694 & 97987)
+1 CC to M/s.M. RAJARAJAN, Advocate (SR-97713[F] dated 12/11/2019)
+1 CC to M/s.S.M.S.JOHNNY BASHA, Advocate (SR-98139[F] dated
14/11/2019)

KSA

SMA/16/12/19/5P/6C

W.P. (MD) No.19487 of 2019

(1/2)

12.11.2019