



W.P. (MD) Nos. 3951, 3952, 3997, 4090, 4116,
4117, 4463, 4479, 4480, 4481, 4493 and 4763/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos. 3951, 3952, 3997, 4090, 4116, 4117, 4463, 4479, 4480,
4481, 4493 and 4763 of 2014

and

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

D.KESAVAN	...Petitioner in WP (MD) .No.3951 of 2014
C.MURUGAVEL	...Petitioner in WP (MD) .No.3952 of 2014
T.KUMARESAN	...Petitioner in WP (MD) .No.3997 of 2014
A.MANIKANDAN	...Petitioner in WP (MD) .No.4090 of 2014
N.R.SUSEENDRA PERUMAL	...Petitioner in WP (MD) .No.4116 of 2014
S.CRUZ ANTONY	...Petitioner in WP (MD) .No.4117 of 2014
A.KAVITHA	...Petitioner in WP (MD) .No.4463 of 2014
T.RAMESH	...Petitioner in WP (MD) .No.4479 of 2014
PALANICHAMY	...Petitioner in WP (MD) .No.4480 of 2014
SOUNDRARAJAN	...Petitioner in WP (MD) .No.4481 of 2014
M.UDAYAKUMAR	...Petitioner in WP (MD) .No.4493 of 2014
PALANITHANGAM	...Petitioner in WP (MD) .No.4763 of 2014

-Vs-

The Chairman and Managing Director,
Tangedco, Anna Salai, Chennai 2

...1st Respondent in WP (MD) .Nos.3951, 3952, 3997,
4090, 4116, 4117, 4463, 4493 and 4763 of 2014
...2nd Respondent in WP (MD) .Nos.4479 to 4481 of 2014

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

...2nd Respondent in WP (MD) .Nos.3951, 3952, 3997,
4090, 4116, 4117 of 2014

The District Employment Officer,
Madurai District.

... 3rd Respondent in WP (MD) .Nos.4116, 4117 of 2014

The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Administrative Branch, 144, Anna Salai, Chennai

...2nd Respondent in WP (MD) .No.4463 OF 2014



3. The Chief Engineer, Distribution,
Madurai Region, Tangedco, Post Office Box. 6, K. Pudur,
Madurai - 2.

4. S. Kesavaraj

5. K. Jeyakanthan

...Respondents Nos.3 to 5 in WP(MD).No.4463 of 2014

Tamil Nadu Generation And
Distribution Corporation Limited, 44, Anna Salai,
Chennai - 2.

...1st Respondent in WP(MD).Nos.4479 to 4481 of 2014

The Chief Engineer (Personnel),
8th Floor, Npkrr Maligai, No. 144,
Anna Salai, Chennai.

...2nd Respondent in WP(MD).No.4493 and 4763 of 2014

The Director of Technical Education,
Guindy, Chennai.

...3rd Respondent in WP(MD).No.4493 of 2014

The Chief Engineer (Distribution)
Thirunelveli Region Tangedco,
Thirunelveli-627 061.

... 3rd Respondent in WP(MD).No.4763 of 2014

Prayer in WP(MD).Nos.3951 and 3952 of 2014 :

Writ Petitions are 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 for the post of Technical Assistant (EEE) published by the 1st respondent on 24.02.2014 and quash the same and consequently directing the respondent herein to consider the eligibility of the petitioner by taking into consideration the First Class with Honours and percentage of marks of the petitioner originally granted by the State Education Department without consideration of marks from III and IV Semesters as a Diploma Holder prior to 2003, in so far as the petitioner is concerned and consequently appoint the petitioner as Technical Assistant (Electrical) on merit and in accordance with law.

Prayer in WP(MD).No.3997 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 24.2.2014, on the file of the 1st respondent Board and quash the same as illegal, arbitrary, unconstitutional and consequently directing the 1st respondent to conduct recruitment afresh for the post of Technical Assistant (EEE).

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Prayer in WP(MD).No.4090 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 and quash the same and consequently direct the 1st respondent Board to conduct recruitment afresh for the post of Technical Assistant (EEE).

Prayer in WP(MD).Nos.4116 and 4117 of 2014 :

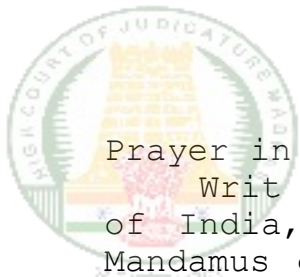
Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the selection list of 50 numbers of technical assistant (Mechanical) by direct recruitment 2013-14 published by the 1st respondent and quash the same as arbitrary, illegal and violative of the constitutional mandate and consequently directing the 1st respondent to refix the cut off mark awarded for the petitioner on the basis of the marks obtained by the petitioner in the V and VI Semesters above in his diploma course and include his name in the selection list.

Prayer in WP(MD).No.4463 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ, order or direction more particularly in the nature of WRIT OF CERTIORARIFIED MANDAMUS calling for the selection list dt. 24.02.2014 published by the 1st respondent and quash the same in respect of respondents 4 & 5 and consequently direct the 1st respondent to appoint the petitioner in the post of Technical Assistant (Electrical).

Prayer in WP(MD).Nos.4479 to 4481 of 2014 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus or any other order or orders in the nature of writ calling for records relating to the Selection List of Technical Assistant (EEE) by Direct Recruitment - 2013 - 2014 on the file of the 1st respondent and quash the same and consequently direct the 1st respondent board to consider the petitioner in the selection list of Technical Assistant (EEE) by Direct Recruitment - 2013 - 2014 in the light of the Judgment of Apex Court in SLP Nos. 5285 - 5328 of 1996.



Prayer in WP(MD).No.4493 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction 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 24.02.2014 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).

Prayer in WP(MD).No.4763 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the selection list of Helper (Trainee) by direct recruitment 2013-2014 in the Electricity Department published on 20.2.2014 in their official website and quash the same in respect of selected candidates who secured the marks less than the petitioner among the Schedule Caste (A) 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.9317 dated 11.11.2013.

For Petitioner: Mr.K.Appadurai
(in WP(MD).Nos.3951 and 3952 of 2014)
Mr.K.BASKARAN
(in WP(MD).Nos.3997 and 4090 of 2014)
Mr.R.Aravindan
(in WP(MD).Nos.4116 and 4117 of 2014)
Mr.A.Arul Jenifer
(in WP(MD).No.4463 of 2014)
Mr.M.Ramu
(in WP(MD).Nos.4479 to 4481 of 2014)
Mr.K.ViraliNathan
(in WP(MD).No.4493 of 2014)
Mr.P.Ganapathi Subramanian
(in WP(MD).No.4763 of 2014)

For Respondents: M/s.S.M.S.Johny Basha
For Respondents Nos.1 and 2 in all cases

Mr.M.Jeyakumar
Additional Government Pleader For R3
in all cases

COMMON ORDER

The relief sought for in the present Writ Petitions, is to quash the selection list for appointment to the post of Technical Assistant (EEE) issued by the first respondent in proceeding dated



24.02.2014 and consequently, direct the respondents to consider the eligibility of the writ petitioners by taking into consideration of First Class with Honours and percentage of marks of the writ petitioners originally granted by the State Education Department without considering the marks from III & IV semesters as a Diploma Holder prior to 2003, insofar as the writ petitioners are concerned and consequently, appoint the writ petitioners as Technical Assistant (Electrical) on merit and in accordance with law.

2. The grievances of the writ petitioners are that they were made ineligible for selection to the post of Technical Assistant (EEE) in TANGEDCO. The writ petitioners admittedly, had participated in the process of selection and not selected on account of certain conditions. However, the Writ Petitions are filed, challenging the selection list.

3. During the pendency of the Writ Petitions, the final selection list was published and the selected candidates were appointed and those candidates are working as Technical Assistant (EEE) for the past about 5 ½ years. The Writ Petitions are filed without impleading the selected persons and the subsequent appointment orders were also not challenged. In the event of adjudicating the present Writ Petitions, in the absence of those appointed candidates, undoubtedly, the principles of natural justice would be violated.

4. The writ petitioners have not impleaded the appointed candidates and further, the appointment orders are also not under challenge. Thus, the relief as such sought for in the present Writ Petitions cannot be granted. Further, the appointed candidates are serving in the Tamil Nadu Electricity Board for about 5 ½ years and probably, their probations would have been declared and some of them would have been promoted also.

5. This being the factum, the writ petitioners are at liberty to challenge the appointment order, if any grievances exist, in respect of the grounds raised in the present Writ Petitions.

6. With these observations, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

Myr



W.P. (MD) Nos. 3951, 3952, 3997, 4090, 4116,
4117, 4463, 4479, 4480, 4481, 4493 and 4763/2014

To

- 1 The Chairman and Managing Director, Tangedco,
Anna Salai, Chennai 2
- 2 The Chief Engineer, Tamil Nadu Generation and
Distribution Corporation Ltd., Administrative Branch,
144, Anna Salai, Chennai
- 3 Tamil Nadu Generation And Distribution Corporation
Limited, 44, Anna Salai, Chennai - 2.
- 4 The Chief Engineer (Personnel), 8th Floor, Npkrr Maligai,
No. 144, Anna Salai, Chennai.
- 5 The Director of Technical Education, Tamil Nadu,
Guindy, Chennai
- 6 The District Employment Officer, Madurai District.
- 7 The Chief Engineer, Distribution, Madurai Region,
Tangedco, Post Office Box. 6, K. Pudur, Madurai - 2.
- 8 The Chief Engineer (Distribution) Thirunelveli Region
Tangedco, Thirunelveli-627 061.

+2cc to Mr.K.Appadurai, Advocate SR Nos.78030 and 78029
+1cc to M/s.S.M.S.Johnny Basha, Advocate SR No.78336
+1cc to Mr.M.Ramu, Advocate, SR No.77918
+2cc to Mr.K.Bhaskaran, Advocate, SR Nos.78035 and 78036

W.P. (MD) Nos. 3951, 3952, 3997, 4090,
4116, 4117, 4463, 4479, 4480,
4481, 4493 and 4763 of 2014

and
M.P. (MD) Nos. 1 to 3, 1 to 3, 1, 2, 1,
2, 1, 2, 1, 2, 2, 2, 3, 2, 3, 2, 3, 2,
3, 2 and 3 of 2014
26.07.2019

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TR (20.08.2019) 6P 15C