



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

WEB COPY

W.P. (MD) No. 4130 of 2014

and

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

Alagammal @ Anitha

... Petitioner

Vs.

1. Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO)
144, Anna Salai,
Chennai 600 002
Represented by its Chairman

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

... Respondents

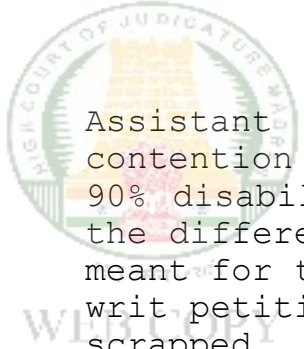
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned selection list of 182 Assistant Engineers/Electrical (EEE) by direct Recruitment 2013-2014 published by the respondents in their website on 24.02.2014 and quash the same and consequently direct the respondents to make recruitment afresh considering the candidature of the petitioner for the post of Assistant Engineer (Electrical) under the priority category of Differently abled (Ortho).

For Petitioner	: Mr.V.Kannan
For R1	: Mr.G.Kasinathadurai
For R2	: Mr.S.Dhayalan

ORDER

The relief sought for in the present writ petition is to quash the selection list of 182 Assistant Engineers/Electrical Engineer (EEE) by direct recruitment for the year 2013-14 published by the respondent in the website on 24.02.2014 and direct the respondent to recruit a fresh candidate.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner belongs to most backward class community and fully qualified for the appointment to the post of



Assistant Engineer. He is a differently abled person and the contention of the writ petitioner is that he has been assessed with 90% disability and inspite of that, no quota has been provided for the differently abled person. It is further stated that the priority meant for the differently abled persons were also not granted to the writ petitioner and therefore, the entire selection process is to be scrapped.

3. First of all, the writ petitioner had participated in the process of selection and was unsuccessful. Thus, he cannot now turn around and challenge the providing of priority or quota for differently abled persons. The selection process was conducted in accordance with the terms and conditions stipulated in the notification. Priority or quota is the policy decision of the Government and only in the event of any unconstitutionality, the selection can be questioned. In the present case on hand, the writ petitioner had participated in the selection process and he was not selected. This apart, there was no pre personal quota available during the relevant point of time for the differently abled person. Though the selection list is under challenge, the selected candidates who were subsequently appointed and now working for the past about 5 and $\frac{1}{2}$ years are not parties to the writ petition and without impleading those appointed candidates, quashing of the entire selection list cannot be considered at all.

4. This apart, the selection was completed in the year 2014 and now 5 and $\frac{1}{2}$ years elapsed and the grounds regarding the grant of priority at this length of time cannot be settled by this court. This apart, the subsequent recruitment for the post of Assistant Engineer was also concluded and under these circumstances, the relief as such sought for in the present writ petition cannot be granted.

5. With these observation, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl. Side)

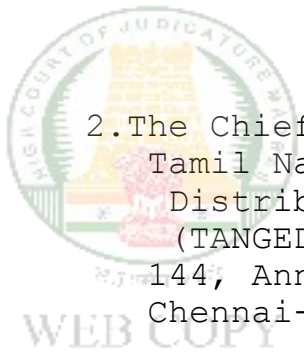
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Sub Assistant Registrar

To

1. Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO)
144, Anna Salai,
Chennai 600 002

<https://hcservices.ecourts.gov.in/hcservices/>
Represented by its Chairman



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

+1 CC to M/s.G.KASINATHA DURAI, Advocate (SR-81724[F] dated
14/08/2019)

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ns

JM/13.09.2019/3P/4C