



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.9040 of 2017

and

W.M.P. (MD) No.6907 of 2017

WEB COPY

N.Vasantha

... Petitioner

-Vs-

1.The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
Administrative Branch,
44, Anna Salai, Chennai-600 002.

2.The Senior Personnel Officer / Recruitment,
Tamil Nadu Generation and Distribution
Corporation Limited,
Administrative Branch,
44, Anna Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to award the appropriate marks to the petitioner in the interview conducted on 02.05.2017 for the post of Typist and consider the case of the petitioner for appointment as Typist for the recruitment year 2016-2017 in the respondent Corporation.

For Petitioner : Ms.M.Padmavathy

For Respondents : Mrs.S.Srimathy,

Special Government Pleader.

ORDER

Heard Ms.M.Padmavathy, learned counsel appearing on behalf of the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing on behalf of the respondents.

2.This Writ Petition is filed for a direction to the respondents to award appropriate marks to the petitioner in the interview conducted on 02.05.2017 for the post of Typist and to consider the case of the petitioner for appointment as Typist for the recruitment year 2016-2017 in the respondent Corporation.

3.According to the petitioner, she is a Post Graduate in Commerce and she has technically qualified with Type Writing in English and Tamil. The petitioner, in response to the

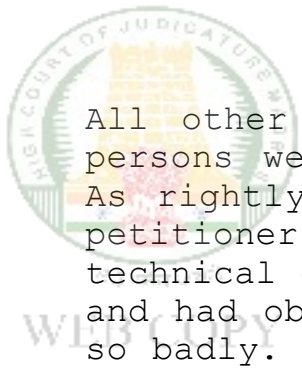


advertisement published by the first respondent for filling up 200 posts of Typists in the first respondent Corporation for the year 2016-2017, applied for the said post. The mode of selection is written examination and viva voce. The petitioner obtained 53.45 marks out of 100 marks in the written examination and the petitioner was directed to attend the interview, which was held on 02.05.2017. The petitioner attended the interview on that date. The results were published online for the post of Typist and the marks scored by each candidates were published. The result revealed the aggregate marks awarded to the candidates, including the marks awarded in the written examination, academic marks and interview. The petitioner was not awarded any marks for interview and given zero mark. The petitioner was awarded aggregate marks of 48.523. According to the petitioner, she belongs to SC Community and obtained 53.45 marks in the written examination. It is unbelievable that she did not do well in the interview and the petitioner alone was awarded zero marks in the interview and therefore, she prayed for allowing this Writ Petition.

4.The respondents filed counter affidavit. The learned Special Government Pleader appearing for the respondents submitted that the petitioner was awarded marks in the interview by the faculty members (one external faculty member belonging to AG Audit Department (Team-1) and other member viz., Income Tax Officer belonging to Income Tax Department (Team-2). She secured only zero marks, she did not answer any questions and for some of the questions, she gave wrong answers. In view of the same, the committee members gave zero marks. She further submitted that the interview was conducted as per the procedures and there is no *mala fide* on the part of the persons, who conducted interview. The petitioner did not do well in the interview and therefore, she was awarded with zero marks. The petitioner is not entitled for the relief sought for in the Writ Petition, as she did not perform well in the interview and prayed for dismissal of the Writ Petition.

5.The petitioner has produced online publication results for the post of Typist. The petitioner's name is in serial No.37, the marks obtained by her in the written examination is 53.45, the academic marks is 61.80 out of 100 and the marks obtained by her in written examination was calculated for 85% and academic qualification at 5% and she was awarded 45.433 and 3.09% respectively. 10 marks is for interview. In the interview, zero marks was awarded to the petitioner.

6.I have gone through the entire online results filed in the typed set of papers from Page Nos.35 to 74 and the original online results. From the materials on record, it is seen that out of 739 candidates, the petitioner alone was awarded zero marks.



All other candidates were awarded marks for interview and some persons were awarded 10 marks out of 10 marks in the interview. As rightly pointed out by the learned counsel appearing for the petitioner, a person, who is a Post Graduate degree holder with technical qualification of Typewriting Higher in English and Tamil and had obtained 48.523 aggregate marks, would not have performed so badly. The persons, who have interviewed the petitioner, have committed an error in awarding zero marks to the petitioner.

7. In such circumstances, this Writ Petition stands allowed, directing the respondents to issue appointment order to the petitioner as Typist, in the post already reserved for the petitioner, within a period of eight weeks from the date of receipt of a copy of this order and fix seniority among the Typists, who were selected for the year 2016-2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

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Corporation Limited,
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+1 CC to M/s.S.M.S. JOHNNY BASHA, Advocate (SR-87416[F] dated 18/09/2019)

+1 CC to M/s.M.PADMAVATHY, Advocate (SR-87641[F] dated 19/09/2019)

W. P. (MD) No. 9040 of 2017
18.09.2019

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