



WEB COPY

W.P.(MD)No.12745 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.12745 of 2012

and

M.P. (MD)No.1 of 2012

V.Charles

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and
Distribution and Corporation Ltd.,
144, Anna Salai, Chennai-2.
2. The Chief Engineer(Personal),
Tamil Nadu Generation and
Distribution and Corporation Ltd.,
144 Anna Salai, Chennai-2.
3. The Chief Engineer/Distribution,
Tirunelveli Region/TANGEDCO,
Maharaja Nagar,
Tirunelveli-627 061.
4. J.Arun Karthik

5. A.Arun

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to cancel the selection and appointment of the respondents 4 and 5 as Assistant Engineer in Electrical and Electronics Engineering and to appoint the petitioner as Assistant Engineer in Electrical and Electronics Engineering and confer all the consequential benefits.

For Petitioner	: Mr.V.Panneerselvam for M/s.C.S. Associates
For Respondents	: Mr.T.Sakthikumaran for R.1 to R.3 : Mr.V.O.S.Kalaiselvam for R.4



ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 3 to cancel the selection and appointment of the respondents 4 and 5 as Assistant Engineer in Electrical and Electronics Engineering and to appoint the petitioner as Assistant Engineer in Electrical and Electronics Engineering.

2. The grievance of the writ petitioner is that the respondents 4 and 5, who had secured lesser marks than that of the writ petitioner was appointed to the post of Assistant Engineer depriving the right of the writ petitioner.

3. Learned Counsel appearing on behalf of the writ petitioner strenuously contented that the selection was not conducted in accordance with law. The respondents 4 and 5 secured lesser marks than the writ petitioner. However those two candidates were appointed in an illegal manner.

4. Learned Counsel appearing on behalf of the respondents 1 to 3 filed a counter affidavit stating that the selection was conducted by following the procedures. The said procedures are stated in paragraph Nos.9, 15 and 16 elaborately, which read as under:

"9. I respectfully submit that based on the above resolution of the Full Board, it was decided to fill up the vacancies of Assistant Engineer/Electrical, Assistant Engineer/Civil and Assistant Engineer/Mechanical as per the provisions of the Tamil Nadu Electricity Board Service Regulations by conducting interview in five Regional Centres (i.e) Chennai, Madurai, Coimbatore, Tirunelveli and Trichy by nominating Selection Committee consisting of Regional Chief Engineer and two Superintending Engineers and by adopting the following guidelines to award marks:-

*(i) Marks obtained in the BE/AMIE examination
to be worked out for:- -85%*

*(ii) For viva-voce interview in Technical
subjects and Managerial skills:- -15%*

The selection will be finalised as per the Communal rotation ordered in G.O.Ms.No.65, Personnel and Administrative Reforms(K) Department, dated 27.05.2009.

15. As regard the averment made by the petitioner in para 3, I respectfully submit Thiru.J.Arun Karthik (4th Respondent) and Thiru.A.Arun (5th Respondent) were sponsored by the Employment Exchange under BCO (Dependent of Ex-servicemen) category. Call letters were sent to them for interview and they have attended the interview for the post



of Assistant Engineer/Electrical by Direct Recruitment. The cut-off marks for the post of Assistant Engineer/Electrical in respect of BCO (EEE Branch) (Priority-Dependent of Ex-servicemen) on merit is **67.99%**. The candidates Thiru.J.Arun Karthik (4th Respondent) and Thiru A.Arun (5th Respondent) have secured **67.99% and 68.19%** respectively as detailed below. Since they have reached zone of selection they were selected for the post of Assistant Engineer/Electrical by Direct Recruitment.

Sl. No.	Name of the Candidates	Community	Priority group	Qualifying examination marks for 100%	Qualifying examination marks for 85%	Viva-voce interview (15 marks)	Total marks
1.	J.Arun Karthik	BCO	23	63.52	53.99	14.00	67.99
2.	A.Arun	BCO	23	62.58	53.19	15.00	68.19

The selection was finalized based on the merit of marks (academic marks 85% + interview marks 15%) and as per Communal Rotation as ordered in G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009.

16. I respectfully submit that the cut-off marks for the post of Assistant Engineer/Electrical in respect of BCO Priority-Dependent of Ex-servicemen was 67.99. Whereas, the petitioner has secured only 62.99% as detailed below. Hence, he has not reached the zone of selection.

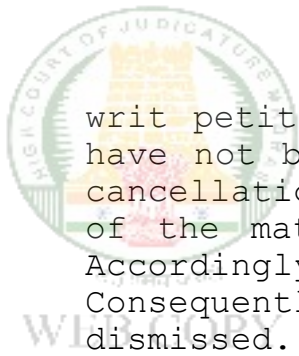
Qualifying examination marks	
(i) for 100%	68.23

(ii) for 85%	57.99
	+
For viva-voce interview 15%	5.00

TOTAL	62.99

(extracted as such) "	

5. This Court is of the considered opinion that the writ petition is filed for a direction to cancel the selection and appointment of the respondents 4 and 5. After the selection, the appointment orders have been issued in favour of the respondents 4 and 5. The orders of appointment are not challenged in the present



writ petition. In view of the fact that the orders of appointment have not been challenged, a direction as such sought for regarding cancellation of appointment orders cannot be granted. In this view of the matter, the relief as such sought for cannot be granted. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (A.S)

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/ /2020

Sub Assistant Registrar(CS)

SSL

+1 CC to Mr.V.O.S.KALAISELVAM, Advocate SR-19133.

+1 CC to Mr.T.SAKTHIKUMARAN, Advocate SR-19213.

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SCR(CO)

CS(12.10.2020) 4P 3C