



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD)No.12026 of 2014

R.Rajesh

WEB COPY

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)

Rep by its Chairman,
800, Anna Salai, Chennai - 02.

2.The Chief Engineer,
TANGEDCO, Trichy.

3.The Superintending Engineer,
TANGEDCO, Tanjore.

4.The Director of Professional & Executive Employment Office,
Tamil Nadu, Guindy, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to selection list for the post of Assistant Engineer/Electrical (EEE) published by the respondent corporation on 24.02.2014 on the file of the first respondent and quash the same and consequently direct the first respondent Board to conduct recruitment afresh for the post of Assistant Engineer/Electrical (EEE) and consequently direct the first respondent to consider the petitioner's candidature in the future recruitment for the post of Assistant Engineer/Electrical (EEE) in the light of the judgment in SLP.No.5288-5328.

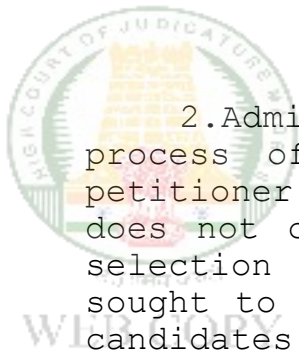
For Petitioner : Mr.S.Jawahar

For R1 to R3 : Mr.T.Sakthikumaran,
Standing Counsel

For R4 : Mr.D.Muruganandham,
Additional Government Pleader.

ORDER

The writ petitioner has challenged the selection list for the selection to the post of Assistant Engineer/Electrical (EEE) published on 24.02.2014 and sought for a direction to conduct a fresh recruitment.



2. Admittedly, the writ petitioner had participated in the process of selection and not selected. The contention of the petitioner is that the selection list published by the Corporation does not contain the marks awarded to the viva-voce. Thus, the selection process was none transparent and the viva-voce marks sought to be published. During the last selection majority of the candidates have been awarded 14 marks. It is contended that the viva-voce marks were awarded to the candidates at their whims and fancies and therefore, the selection list is not in consonance with the settled principles and accordingly, it is to be set aside.

3. The selection list can be scrap only in the event of establishing any illegality or corrupt activities in the process of selection. Though the petitioner states that the viva-voce marks were awarded at the whims and fancies of the Authorities, there is no proof to establish the said contention. Mere statement in this regard is insufficient. The doubtful circumstances are to be established so as to arrive a conclusion that there is a every reason to believe about any such illegality or corrupt activities. In the absence of any such clinging factors or evidence, Courts may not be in a position to consider the relief of quashing the entire selection list.

4. This apart, the petitioner was an un-successful candidate in the process of selection. The details regarding the marks awarded to the petitioner as well as the cut-off marks are stated in the paragraph Nos.12 and 14 of the counter affidavit, which are extracted hereunder:

"12) I respectfully submit that the interview was conducted from 21.11.2013 to 23.11.2013 at 6 centres. Out of 2540 candidates, 2191 candidates only appeared for interview. 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. The petitioner R.Rajesh belonging to SC community and coming under Inter Caste Marriage priority quota has also attended the interview and has scored 6 marks out of the 15 marks allotted for interview. The academic marks of Thiru.R.Rajesh is 64.31 out of 100 and when converted to 85% is 54.66 marks. The overall marks of Thiru.R.Rajesh is 54.66 (85%) + 6(15%)=60.66 (100%). The marks scored by the last selected individual under SC Priority category (Inter Caste Marriage) is 66.36 including the interview marks i.e., academic marks for 85% + interview marks for 15%. The petitioner belonging to SC Priority category has scored only 60.66 marks and hence was not selected on merits to the post of Assistant Engineer by Direct Recruitment 2013-14.



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14) I humbly submit with regard to the averment of the petitioner at para 7 & 8 of the affidavit that, the petitioner statement that the recruitment process was not conducted in a fair manner is denied and his only alleged by the petitioner due his non selection and lesser marks. In fact on a perusal of the merit list who attended the interview under SC Priority (Inter caste marriage category) it will be evident that there are few candidates belonging to the same category with more academic marks and interview marks than that of the petitioner who were not selected on merits. The petitioner's allegation that the candidates with lesser marks was selected is totally false and a perusal of the selection list for Schedule Caste Priority Category alone will reveal that the priority category was interchanged between the codes Inter Caste Marriage (ICM-Code-2.2) and Dependent of Ex-Serviceman/Sons and Unmarried Daughters of serving Military Personnel (Code-2.3). The petitioner who belongs to priority category Inter Caste Marriage (Code-2.2) cannot compare his marks with the priority category of Dependent of Ex-Serviceman/Sons and Unmarried Daughters of serving Military Personnel (Code-2.3). The petitioner in his category has more than 28 meritorious applicants above him in merits and hence was not selected under that quota. I respectfully submit that, erstwhile TNEB and now TANGEDCO, has not violated any norms and conditions of the TNEB Service Regulation and communal roster adopted as per the G.O. so far issued in this regard."

5. In view of the fact that the petitioner was not within the zone of consideration and not selected, now the relief as such sought for to quash the entire selection list cannot be granted and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

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To

The Director of Professional & Executive Employment Office,
Tamil Nadu, Guindy, Chennai.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-23978[F] dated
04/12/2020)

W.P. (MD) No.12026 of 2014

02.12.2020

VR (CO)

NR (14/12/2020) 4P : 3C