



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.14324 of 2014

T.Natarajan

.. Petitioner

Vs.

The Tamil Nadu Electricity Board,
Represented by its Chairman,
No.800, Anna Salai,
Chennai-600 002.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the Regulation 89 (d)(i) of the Tamil Nadu Electricity Board Service Regulations as null and void in so far as the petitioner is concerned and further direct the respondent/Tamil Nadu Electricity Board to appoint the petitioner as Technical Assistant on preferential basis.

For Petitioner : Mr.Ragatheesh Kumar

For Respondent : Mr.T.Sakthikumaran

ORDER

The relief sought for in the present writ petition is to declare the Regulation 89(d)(i) of the Tamil Nadu Electricity Board Service Regulations as null and void in so far as the petitioner is concerned and further direct the respondent Tamil Nadu Electricity Board to appoint the petitioner as Technical Assistant on preferential basis.

2.The writ petitioner states that he has passed Diploma in Electrical and Electronics Engineering (DEEE) in the year 1988. He had completed the apprentice training in the respondent Board during the year 1991. Thus, the writ petitioner claims that he is fully eligible for appointment to the post of Technical Assistant in the Tamil Nadu Electricity Board. The grievances of the writ petitioner is that the respondent Board has not selected the apprentice trainee by way of direct recruitment. The Hon'ble Division Bench of this Court directed the respondent Board to consider the apprentice trainees without subjecting them to any further test or process of selections. However, the Hon'ble Supreme Court of India set aside the order of the Hon'ble Division Bench and directed the respondent



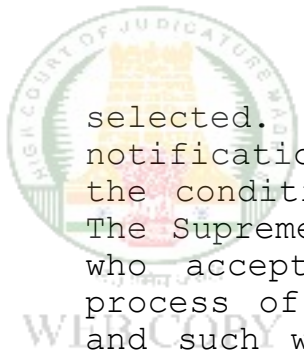
to recruit the Technical Assistant in the light of the decisions reported in (1995) 2 SCC 1.

3.This Court is of the considered opinion that all selections and appointments are to be made by providing equal opportunity to all the eligible candidates who are all aspiring to secure public employment through open competitive process. There cannot be any undue preference to any category, so as to dilute the constitutional principles in the matter of providing equal opportunity in public employment to all the citizens of our great Nation.

4.This Court is of the considered opinion that the apprenticeships are provided preference by various Government Organizations as well as by the Private Companies, based on the sponsorship made by the Director of Apprenticeship under the provisions of the Apprenticeship Act. The very purpose and object of the Apprenticeship Act is to provide training to the candidates after acquiring qualification and mere registration with the Directorate of Apprenticeship Training or sponsoring the name for the apprenticeship training or completion of apprenticeship training would not confer any right to secure or claim appointment.

5.Apprenticeship training is a facility provided under the Central Act, in order to impart training to the qualified candidates, mere providing of the trainings would not be a ground to claim appointment. Apprenticeship trainings are provided based on the seniority by the Directorate of Apprenticeship in Private Companies, Government Boards and Corporations. Thus, it is a chance and such a chance provided to the apprenticeship trainees cannot confer any legal right to secure public appointment. In the event of providing appointment based on the apprenticeship training, undoubtedly, the equality class enunciated in the Constitution is violated.

6.Equal opportunity in public employment is a Constitutional mandate. Only in the event of conducting an open competitive process, equal opportunity can be provided. Apprenticeship trainings are provided based on the registration of candidates under the Apprenticeship Act. Thus, the open competitive process must be the method of recruitment, which is now being followed by the Tamil Nadu Electricity Board for all appointments. Under these circumstances, the grounds raised by the writ petitioner that the petitioner should be given preference as he has completed apprenticeship training in the Board cannot be accepted, all the qualified persons must be provided with an opportunity to participate in the open competitive process and the writ petitioner is also entitled to participate in the said process along with all other qualified candidates. In the present case, the writ petitioner had participated, however, not



selected. Having accepted the terms and conditions of the notifications and after participating in the process of selection, the condition stipulated in the notification cannot be challenged. The Supreme Court also held in many judgements that the candidates, who accepted the terms and conditions and participated in the process of selection, thereafter, cannot challenge those condition and such writ petition cannot be entertained at all. They cannot approbate and reprobate. This being the principles to be adopted, now, the writ petitioner cannot challenge the selection list after participation in the process of selection, even otherwise also, mere completion of apprenticeship training would not confer any right on the writ petitioner to claim appointment. This being the principles to be followed, there is no infirmity in respect of the procedure followed for selection to the post of Technical Assistant in the Tamil Nadu Electricity Board. The writ petitioner has not established any acceptable legal grounds for the purpose of considering the relief as such sought for in the present writ petition.

7.This apart, the selection and appointment for the post of Technical Assistants are being conducted as per the rules and by following the procedures through open competitive process for the past few years. Thus at this length of time, the relief as such sought for cannot be granted at all. Further, even at the time of filing of the writ petition, the writ petitioner was aged about 45 years and now he would be around 51 years of age.

8.In this view of the matter, the writ petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for and accordingly, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

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Sub Assistant Registrar(CS)

sjj

TO:

+1cc to M/s.T.Sakthi Kumaran, Advocate sr.19487

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07.10.2020

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