



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	25.10.2021
DELIVERED ON	19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.NOS.298 OF 2016, 1328 OF 2015, 1445 OF 2015,
214 & 215 OF 2016, 436 TO 445 OF 2016, 461 TO 470 OF 2016,
968 OF 2016, 258 TO 263 OF 2017, 520 OF 2017,
521 OF 2017, 2477 TO 2481 OF 2019, 2483 OF 2019,
2624 OF 2019, 2625 OF 2019,
W.P. (MD) NOS.16693 OF 2013, 3570 OF 2011,
4987 OF 2014 AND W.P.NO.8660 OF 2011
AND
CONNECTED MISCELLANEOUS PETITIONS

1	S.SAMSUDEEN	... Appellant in W.A.No.298 of 2016
1	R.SIVAMOORTHY	
2	R.SINDHAN	
3	S.UMA MAHESWARI	
4	M.AMUTHA SARASWATHI	
5	A.PARAMANTHAN	
6	C.JAYAKUMAR	... Appellants in W.A.No.1328 of 2015
1	R.SIVAKUMAR	... Appellant in W.A.No.1445 of 2015
1	C.JAYAVEERAN	
2	S.ARIVAZHAGAN	
3	G.SANTHI	



4 R.KAVITHA
5 V.VAIRAMANI
6 R.THANGAMANI
7 M.SEKAR
8 K.ANBABHAGAN
9 V.UDHAYASURIYAN
10 R.SURESH KUMAR
11 G.VINAYAGAMURTHY
12 S.DEKSHINAMOORTHY
13 V.GANASEKARAN
14 B.S.ARUTCHELVAN
15 S.ARULPRAGASAM
16 M.RAJA

... Appellants 1 to 16 in
W.A.No.214 of 2016

1 N.GURUNATHAN
2 K.SUBRAMANIAN
3 V.SELVARAJ
4 T.JAYAHARI
5 M.SIVA

... Appellants 1 to 5 in
W.A.No.215 of 2016

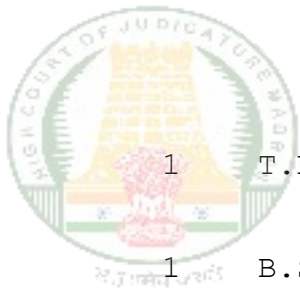
1 S.GANESAN
2 J.ELANGO VAN

... Appellants 1 & 2
in W.A.No.436 of 2016

1 V.MUTHULAKSHMI
1 M.CHELLAIAH

... Appellant in
W.A.No.437 of 2016

... Appellant in
W.A.No.438 of 2016



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1 T.KRISHNASAMY

... Appellant in
W.A.No.439 of 2016

1 B.SURESHKUMAR

... Appellant in
W.A.No.440 of 2016

1 M.R.KAVITHA

... Appellant in
W.A.No.441 of 2016

1 M.PONNARASAN

... Appellant in
W.A.No.442 of 2016

1 K.DHANASEKARAN

... Appellant in
W.A.No.443 of 2016

1 M.TAMILARASI

... Appellant in
W.A.No.444 of 2016

1 P.UMESH

... Appellant in
W.A.No.445 of 2016

1 K.RAVIKUMAR

... Appellant in
W.A.No.461 of 2016

1 L.RAJA

... Appellant in
W.A.No.462 of 2016

1 M.VELRAJ

... Appellant in
W.A.No.463 of 2016

1 A.SAKTHIVEL

... Appellant in
W.A.No.464 of 2016

1 P.MALARKODI

... Appellant in
W.A.No.465 of 2016

1 V.INDRA

... Appellant in
W.A.No.466 of 2016

1 T.KANNAPPAN

... Appellant in
W.A.No.467 of 2016

1 K.ARUMUGAM

... Appellant in
W.A.No.468 of 2016

1 A.ALEX DAVIDSON

... Appellant in
W.A.No.469 of 2016

1 G.SAKTHIVEL

... Appellant in
W.A.No.470 of 2016



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1 A.KUMAR

... Appellant in
W.A.No.968 of 2016

1 S.PRABAKARAN

... Appellant in
W.A.No.258 of 2017

1 K.SIVA SHANMUGAM

... Appellant in
W.A.No.259 of 2017

1 G.SHANMUGAVALLI

... Appellant in
W.A.No.260 of 2017

1 S.ARIVARASAN

... Appellant in
W.A.No.261 of 2017

1 I.JEROME ROZARIO JAYAKUMAR

... Appellant in
W.A.No.262 of 2017

1 C.A.SREENIVASAN

... Appellant in
W.A.No.263 of 2017

1 V.SIVAKUMAR

2 K.MURUGESAN

3 A.SENTHILMURUGAN

4 R.SIVANESAN

5 A.SENTHILKUMAR

... Appellants 1 to 5 in
W.A.No.520 of 2017

1 R.SARAVANAN

2 G.SANTHANAM

... Appellants 1 & 2 in
W.A.No.521 of 2017

1 P.K.PANIVU

... Appellant in
W.A.No.2477 of 2019

1 S.KALPANA

... Appellant in
W.A.No.2478 of 2019

1 N.SURESH

... Appellant in
W.A.No.2479 of 2019

1 R.D.NEELAMEGAM

... Appellant in
W.A.No.2480 of 2019



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1 D.KASTHURI

... Appellant in
W.A.No.2481 of 2019

1 A.JAMES KUMAR

... Appellant in
W.A.No.2483 of 2019

1 R.RATHINAVEL

... Appellant in
W.A.No.2624 of 2019

1 S.JAI PHILIP RENALDI

... Appellant in
W.A.No.2625 of 2019

1 VICTOR SATHYASEELAN

... Petitioner in
W.P.(MD) No.16693 of 2013

1 JOHN GNANARAJ

2 VASAN

3 SEENIVASAGAM

4 MUTHUKRISHNAN

5 S.GANESAN

6 SUNDAR

7 KALIAPPAN

8 HENRY JOSEPH

9 SURIRAJAN

10 PAUL VANNA RAJA

11 KARUPPASAMY

12 SIVARAMAN

13 AMUDHAN

... Petitioners 1 to 13 in
W.P.(MD) No.3570 of 2011

1 S.AVADAIAMMAL

... Petitioner in
W.P.(MD) No.4987 of 2014

1 G.DHANAPALAN

2 K.R.SENTHILKUMAR



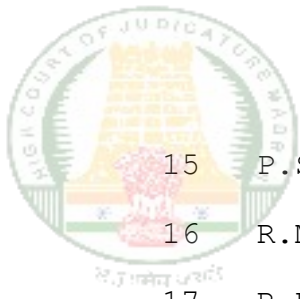
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- 3 K. PARAMESWARAN
- 4 A. PONNUSAMY
- 5 M. RAVICHANDRAN
- 6 K. KARNAN
- 7 G. ANNAMALAI

... Petitioners 1 to 7 in
W.P.No.8600 of 2011

...Vs...

- 1 THE TAMIL NADU ELECTRICITY BOARD,
REP. BY THE CHAIRMAN,
NO.144, ANNA SALAI,
CHENNAI - 600 002.
- 2 THE CHIEF ENGINEER (PERSONNEL),
TAMIL NADU ELECTRICITY BOARD,
NO.144, ANNA SALAI,
CHENNAI - 600 002.
- 3 THE SPECIAL COMMISSIONER,
EMPLOYMENT AND TRAINING,
GUINDY, CHENNAI.
- 4 A. KARTHIK
- 5 V. PRAKASAM
- 6 A. MURUGESAN
- 7 J. SATHIYAMOORTHY
- 8 S. ESWARI
- 9 S. MOORTHY
- 10 K. BOOPATHI
- 11 A. MOHAMED SULTAN BUHARI
- 12 R. GANESAMOORTHY
- 13 G. NAGARAJAN
- 14 P. THANGARASU



15 P.SIVASAKTHI

16 R.MAHENDRAN

17 R.RAMAMOORTHY

18 S.KARTHIK

19 P.NISHA

20 R.NITHIYARAJA

21 M.RAMESH

22 O.BENITA ANTHONY MARY

23 M.RAJAKUMAR

... Respondents in
W.A.No.298 of 2016

THE CHAIRMAN,
TAMIL NADU ELECTRICITY BOARD,
NO.144, ANNA SALAI,
CHENNAI - 600 002.

... 1st Respondent in W.A.Nos.1328 of 2015,
214 & 215 of 2016, 436 to 444 of 2016, 461 to 463
of 2016, 468 to 470 of 2016, 258 to 261 of 2017,
263 of 2017, 2477 of 2019, 2479 to 2481 of 2019,
2483 of 2019, 2624 & 2625 of 2019, W.P.(MD) No.16693
of 2013, W.P.(MD) No.3570 of 2011, W.P.No.8660 of 2011

... 2nd Respondent in W.A.No.1445 of 2015

THE CHIEF ENGINEER (PERSONNEL),
TAMIL NADU ELECTRICITY BOARD,
NO.144, ANNA SALAI,
CHENNAI - 600 002.

... 2nd Respondent in W.A.Nos.1328 of 2015,
214 & 215 of 2016, 436 to 444 of 2016,
461 to 463 of 2016, 468 to 470 of 2016,
258 to 261 of 2017, 263 of 2017,
2477 of 2019, 2479 to 2481 of 2019,
2483 of 2019, 2624 & 2625 of 2019

... 3rd Respondent in W.A.Nos.1445 of 2015,
445 of 2016, 464 to 467 of 2016, 968 of 2016,
262 of 2017, 520 & 521 of 2017, 2478 of 2019



THE SPECIAL COMMISSIONER,
EMPLOYMENT AND TRAINING,
GUINDY, CHENNAI.

WEB COPY

... 2nd Respondent in W.A.No.520 of 2017,
521 of 2017

... 3rd Respondent in W.A.Nos.1328 of 2015,
214 & 215 of 2016, 436 to 444 of 2016, 461 to 463
of 2016, 468 to 470 of 2016, 258 to 261 of 2017,
263 of 2017, 2477 of 2019, 2479 to 2481 of 2019,
2483 of 2019, 2624 & 2625 of 2019

... 4th Respondent in W.A.Nos.445 of 2016,
464 to 467 of 2016, 968 of 2016,
262 of 2017, 2478 of 2019

THE DIRECTOR OF TECHNICAL EDUCATION,
TAMILNADU, GUINDY,
CHENNAI.

... 2nd Respondent in W.P.(MD) No.16693
of 2013, W.P.(MD) No.3570 of 2011,
W.P.No.8660 of 2011

THE SECRETARY TO GOVERNMENT,
TAMIL NADU ELECTRICITY BOARD,
SECRETARIAT, CHENNAI - 600 009.

... 1st Respondent in W.A.No.1445 of 2015

THE CHAIRMAN CUM MANAGING DIRECTOR,
TAMIL NADU ELECTRICITY BOARD LTD.,
N.P.K.R.R.MALIGAI,
OLD NO.800, NEW NO.144,
ANNA SALAI, CHENNAI - 600 002.

... 1st Respondent in W.A.Nos.445 of 2016,
464 to 467 of 2016, 968 of 2016, 262 of 2017,
520 & 521 of 2017, 2478 of 2019

THE MANAGING DIRECTOR,
TANGEDCO LTD.,
N.P.K.R.R.MALIGAI,
OLD NO.800, NEW NO.144,
ANNA SALAI, CHENNAI - 600 002.

... 2nd Respondent in W.A.Nos.445 of 2016,
464 to 467 of 2016, 968 of 2016,
262 of 2017, 2478 of 2019



THE CHAIRMAN CUM MANAGING DIRECTOR,
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD., (TANGEDCO),
NO.144, ANNA SALAI,
CHENNAI - 600 002.

... 1st Respondent in W.A.No.521 of 2017,
W.P.(MD) No.4987 of 2014

5 M.JEYAKANTHAN

6 T.BALASUBRAMANI

7 K.DEVAKANNU

... Respondents 5 to 7 in W.A.Nos.445
of 2016, 968 of 2016, 262 of 2017

4 E.MANIMEGALAI

5 T.BALASUBRAMANI

6 K.JAYAKANTHAN

7 S.KESHAVERAJ

8 V.JEEVANNANDHAM

... Respondents 4 to 8 in
W.A.No.263 of 2017

4 R.UTHIRAPATHY

... 4th Respondents in
W.A.No.520 of 2017

PRAYER IN ALL W.A'S:-

These Writ Appeals are filed under clause 15 of the Letters Patent to set aside the order passed by this Hon'ble Court in W.P.Nos.7223 of 2014, 6037, 2654, 3529, 7503, 4531, 6115, 6549, 7176, 7177, 7217, 7227, 8815, 8873, 11321, 7220, 7224, 7228, 7524, 7966, 7967, 7965, 8813, 8870, 8927, 12348, 5645, 6116, 7216, 7219, 11322, 11881, 7670, 7523, 6421, 5646, 8872, 6422, 8812, 32843 of 2014, dated 05/01/2015, respectively 33787 of 2013, dated 05/01/2015, 27149 of 2013, dated 08/01/2016 (W.A.No.520 of 2017).

PRAYER IN W.P.NO.33787 OF 2013:-

Petition filed under Article 226 of the Constitution of India prayed to issue a Writ of Mandamus directing the respondents conduct a separate selection process by earmarking a separate quota for the candidates sponsored through the



employment exchanges on the basis of seniority in registration and include the marks obtained by the petitioners in the 5th and 6th Semester of Diploma Education instead of marks obtained in the 3rd, 4th, 5th and 6th Semester of the Diploma Education and also to conduct the selection process in the overall ratio of 1:5 as stipulated in G.O.(Ms) No.18 Labour and Employment (N2) Department dated 25/02/2008 in the forthcoming selection process to be conducted by the respondents during the year 2013 for the Post in Technical Assistants in Tamil Nadu Electricity Board.

PRAYER IN W.P.NO.2654 OF 2014:-

Petition filed under Article 226 of the Constitution of India prayed to issue a Writ of Mandamus direction to consider the petitioner representation dated 13/01/2014 and issue the appointment order to the petitioner in the present recruitment of 2013 for the post of Technical Assistant by the 3rd respondent.

PRAYER IN W.P.NO.3529 OF 2014:-

Petition filed under Article 226 of the Constitution of India prayed to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned Advertisement issued by the 2nd respondent in Advertisement No.DIPR/628/Display/2013 dated 30/05/2013 in connection with the call for made in regard to recruitment to the post of Technical Assistant and quash the same as arbitrary and ultravires and consequently direct the respondents to earmark reservation of post for the persons who have completed Diploma Course before 2000 by creating separate selection process and thereby proceed accordingly.

PRAYER IN W.P.NO.4531 OF 2014:-

Petition filed under Article 226 of the Constitution of India prayed to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned Advertisement issued by the 2nd respondent in Advertisement No.DIPR/628/Display/2013 dated 30/05/2013 in connection with the call for made in regard to recruitment to the post of Technical Assistant and quash the same as arbitrary and ultravires and consequently direct the respondents to earmark reservation of post for the persons who have completed Diploma Course before 2000 by creating separate selection process and thereby proceed accordingly within the time limit that may be stipulated by this Honourable Court.



PRAYER IN W.P.NOS.7223, 6037, 7503, 6115, 6549, 7176, 7177, 7217, 7227, 7220, 7224, 7228, 5645, 6116, 7216, 7219, 7670, 6421, 5646, 6422 OF 2014:-

Petitions filed under Article 226 of the Constitution of India prayed to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned Advertisement issued by the 2nd respondent in Advertisement No.DIPR/628/Display/2013 dated 30/05/2013 in connection with the call for made in regard to recruitment to the post of Technical Assistant and quash the same as arbitrary and ultravires and consequently direct the respondents to earmark reservation of post for the persons who have completed Diploma Course before 2000 by creating separate selection process and thereby proceed accordingly within the time limit that may be stipulated by this Honourable Court.

PRAYER IN W.P.NOS.8815, 8873, 11321, 7524, 7966, 7967, 8873, 8870, 8927, 11322, 11881, 7523, 8872, 8812, 32843 OF 2014:-

Petitions filed under Article 226 of the Constitution of India prayed to issue a Writ of declaration, declaring the selection of 914 Technical Assistants (Electrical) and 50 Technical Assistants (Mechanical) as null and void pursuant with the impugned Advertisement issued by the 3rd respondent in Advertisement No.DIPR/628/Display/2013, dated 30/05/2013 regarding to recruitment to the post of Technical Assistant and consequently direct the respondents to earmark reservation of post for the persons who have completed Diploma Course before 2000 by creating separate selection process and thereby proceed accordingly within the time limit that may be stipulated by this Honourable court.

PRAYER IN W.P.NO.7965 OF 2014:-

Petition filed under Article 226 of the Constitution of India prayed to issue a Writ of declaration, declaring the Selection of 914 Technical Assistants (Electrical) and 50 Technical Assistants (Mechanical) as null and void pursuant with the impugned Advertisement issued by the 3rd respondent in Advertisement No.DIPR/628/Display/2013 dated 30/05/2013 regarding to recruitment to the post of Technical Assistant and consequently direct the respondents to earmark reservation of post for the persons who have completed Diploma Course before 2000 by creating separate selection process and thereby proceed accordingly within the time limit that may be stipulated by this Honourable Court.



PRAYER IN W.P.NO.12348 OF 2014:-

Petition filed under Article 226 of the Constitution of India prayed to issue a Writ of declaration, declaring the selection of 914 Technical Assistants (Electrical) and 50 Technical Assistants (Mechanical) as null and void pursuant to the impugned Advertisement issued by the 3rd respondent in Advertisement No.DIPR/628/Display/2013, dated 30/05/2013 regarding to recruitment to the post of Technical Assistant and consequently direct the respondents to recruit candidates to the post of Technical Assistants (Electrical) and Technical Assistants (Mechanical) by duly fixing the ratio for candidates completed Diploma upto 1993, from 1994 to 1999 and from 2000 onwards separately by following separate selection process and when other things being equal to give preference to the Apprentice Trained under T.N.E.B.

PRAYER IN W.P.NO.8660 OF 2011:-

Petition filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus or any other order or orders in the nature of Writ calling for the records relating to TNEB Service Regulation on the file of 1st respondent and quash the Regulation 89(d)(i) of portion mentioning the "Selection of candidate shall be made by the appointing authority based on the performance in the qualifying examinations or by awarding marks for the performance in the qualifying examinations" with regard to the Petitioners for the post of Technical Assistants and consequently direct the 1st respondent Board to consider the Petitioners candidatures in the future recruitments for the post of Technical Assistant in the light of the judgment of the Apex Court in Civil Appeal Nos.5285-5328 of 1996.

PRAYER IN W.P.(MD) NO.4987 OF 2014:-

Petition filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, or order or direction, more in the form of Writ, by calling for the records, pertaining to the impugned order dated 17/10/2013 in Proceeding No.121, passed by the respondent herein and quash the same and consequently direct the respondents herein to evaluate the marks obtained by the Petitioner in the qualifying examination by taking into account



the marks obtained in the 5th and 6th semester and consequently include the name of the Petitioner in the selection list and pass such further or other orders.

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PRAYER IN W.P.(MD) NO.3570 OF 2011:-

Petition filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus or any other order or orders in the nature of Writ calling for the records relating to TNEB Service Regulation on the file of 1st respondent, quash the Regulation 89(d)(i) of portion mentioning the "Selection of candidate shall be made by the appointing authority based on the performance in the qualifying examinations or by awarding marks for the performance in the qualifying examination" with regard to the Petitioners for the post of Technical Assistants and consequently direct the 1st respondent Board to consider the Petitioners candidatures in the future recruitments for the post of Technical Assistant in the light of the judgment of the Apex Court in Civil Appeal Nos.5285-5328 of 1996.

PRAYER IN W.P.(MD) NO.16693 OF 2013:-

Petition filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus or any other order or orders in the nature of Writ calling for the records relating to TNEB Service Regulation and quash the Regulation 89(d)(i) of portion mentioning the "Selection of candidate shall be made by the appointing authority based on the performance in the qualifying examinations or by awarding marks for the performance in the qualifying examination" with regard to the Petitioners for the post of Technical Assistants and consequently direct the 1st Respondent Board to consider the Petitioner's candidatures in the future recruitments for the post of Technical Assistant in the light of the judgment of the Apex Court in SLP Nos.5285-5328 of 1996.

PRAYER IN W.P.NO.27149 OF 2013:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to conduct a separate selection process by earmarking a separate quota for the candidates sponsored through the employment



exchanges on the basis of seniority in registration and include the marks obtained by the petitioners in the 5th and 6th semester of Diploma Education instead of marks obtained in the 3rd, 4th, 5th and 6th semester of the Diploma Education and also to conduct the selection process in the overall ratio of 1:5 as stipulated in G.O.(Ms) No.18 Labour and Employment (N2) Department, dated 25/02/2008 in the forthcoming selection process to be conducted by the respondents during the year 2013 for the post in Technical Assistants in Tamil Nadu Electricity Board.

Appellant : Mr.R.Singaravelan,
in all W.As. Senior Counsel
For Mr.A.R.Suresh

Petitioners : Mr.T.A.Ebenezer
(in W.P.(MD) Nos.16693
of 2013, 3570 of 2011 and
W.P.8660 of 2011)

Respondents : Mr.P.Silambanan (R1 & R2)
in all W.A's Additional Advocate General
For Mr.P.Subramanian

Mr.K.V.Sanjeev Kumar
in W.P.(MD) No.3570 of 2011

C O M M O N J U D G M E N T

S.VAIDYANATHAN, J.,
AND
R.VIJAYAKUMAR, J.,

The batch of above Writ Appeals have been filed by the unsuccessful petitioners in the Writ Petitions.

2. The first respondent Board called for application for the post of Technical Assistant (Electrical) for 950 posts. All the writ petitioners were sponsored through the respective Employment Exchanges. The Advertisement, dated 30.05.2013, that has been challenged by all the Writ petitioners, is an internal communication made by the Board to the apprentices, who were already working in the Board. In the said impugned Advertisement, the Board had requested the interested and qualified candidates to register themselves in the Headquarters before 22.06.2013. It was also informed that they will be called for interview along with other candidates, who were sponsored by the Employment Exchange.



3. All the Writ petitioners, except the petitioner in W.P.No.12348 of 2014 (Writ Appeal No.968 of 2016), have undergone the selection process. They were sponsored by the Employment Exchange. They have underwent certificate verification for 85% of the marks and thereafter they also attended the interview for the remaining 15% of the marks. After having participated in the selection process, they cannot turn around and contend that the very notification issued by the Board itself is bad in law.

4. The learned counsel for the appellants contended that no proper particulars have been furnished in the impugned notification of the Board dated 30.05.2013. A reading of the notification will clearly show that the said notification is not meant for the candidates sponsored through the Employment Exchange and hence, the contention of the appellants that the notification does not reveal any particulars, is devoid of any merits.

5. The counsel for the appellants further contended that more number of apprentices have been selected in the selection process and whereas, only a few sponsored through the Employment Exchange have been selected. That apart, most of the candidates selected through Employment Exchange are falling under the priority category and a very few alone have been selected under the non-priority category. When the candidates were sponsored through the Employment Exchange, the sponsorship itself indicates whether the sponsor is made under the priority quota or under the non-priority quota. Even though, the petitioners/appellants have contended that the priority quota had exceeded 15% of the total selected candidates, no particulars have been placed before this Court to indicate that the priority quota had exceeded 15% of the reservation. Hence, the contention of the appellants that excess reservation has been adopted in favour of the priority quota candidates, which had virtually affected the rights of the non-priority candidates, has no factual basis what so ever. Moreover, the sponsorship of the candidates is made based upon the request made by the Board, and no allegations of any malafides or illegality have been pointed out in the selection of the candidates through priority.

6. The learned counsel for the appellants further contended that, there was no transparency in conducting the interview and the mode of allotment of marks to the candidates had not been disclosed. That apart, more number of trained apprentices have been selected than those sponsored through the Employment Exchange.

7. In view of the judgment of the Hon'ble Supreme Court in Civil Appeal Nos.5285 to 5328 of 1996 dated 03.10.1996, a



trained apprentice should be given preference over direct recruit, other things being equal. Moreover, a trained apprentice would not be required to get his name sponsored by any Employment Exchange. In view of the judgment of the Hon'ble Supreme Court, the Tamil Nadu Electricity Board cannot be found fault in preferring the trained apprentices over the direct recruit in the cases, where the qualifications are found to be equal. Moreover, there is a prayer in one of the writ petitions that there should be a separate selection process for the candidates sponsored through Employment Exchange and they should not be called along with the apprentices. The judgment of the Hon'ble Supreme Court would clearly point out that all other things being equal, a trained apprentice should be given preference over the direct recruit. This dictum of the Hon'ble Supreme Court, will clearly indicate that the direct recruit candidates should compete on par with and along with the apprentices. Hence, the contention that they should be provided with a separate selection process is not legally sustainable.

8. The counsel for the Appellants further contended that the basis followed for selecting the candidates is not known and whether any preference was given to any category also remains a mystery. Since the entire selection process is opaque and the same is liable to be struck down. This contention of the Appellants is very vague and they are not able to point out any specific instance, in which, an unqualified or an ineligible candidate has been selected. Moreover, the assessment of a candidate in an interview is the sole discretion of the Interview Board and unless, the Appellants are able to point out specific instances of any arbitrariness, illegality or malafides on the part of the interview Board, this Court will not have any jurisdiction to interfere into the assessment made by the interview Board and decide about the validity or otherwise of the marks conferred by the said Interview Board.

9. The learned counsel for the Appellants further contended that some of the candidates, who have not even completed 18 years, had been selected. The learned counsel further contended that some of the candidates, who have not completed one year of apprenticeship, have been selected.

10. However, the learned counsel for the respondents pointed out that these cases have already been verified and the selection of those candidates have been cancelled. In view of the specific contention of the learned counsel for the respondents, whatever arbitrariness or illegality that was pointed out in specific cases have already been rectified by the Board.



11. The counsel for the Appellants further contended that, when the learned Single Judge has found some anomalies in the selection process ought to have cancelled the selection and should have issued a direction for a fresh selection. The learned single Judge has considered all the objections of the Writ petitioners separately and has clearly rejected all the contentions of the petitioners/Appellants. Only in order to avoid any dispute in future, certain guidelines have been issued by the learned single Judge. The guidelines issued by the learned single Judge, ipso facto will not indicate that he has given a finding with regard to the validity of the present selection.

12. The counsel for the Appellants further contended that the respondent Board, has filled up the backlog vacancies without issuing any separate advertisement. The said contention has been raised only during the arguments and there is no pleading to that effect in the writ petition. Moreover, the petitioners/Appellants were not able to point out how they are aggrieved by not making Advertisement with regard to backlog vacancies. In fact, the petitioners have been sponsored through Employment Exchange and their main contention in the Writ Petitions was that the apprentices have been given more favourable treatment and the clubbing of the selection process of candidates from the employment exchange as well as the apprentices is bad in the eye of law. When this being the main contention and there is no specific plea or ground in the Writ Petitions with regard to the backlog vacancies, the said contention cannot be considered in these Writ Appeals.

13. The counsel for the Appellants further contended that the selection of more number of apprentices would indicate that the selection process was lacking in transparency. They further contended that, more marks have been awarded to the apprentices than for those candidates sponsored through employment exchange.

14. However, the writ petitioners/Appellants were not able to produce any material to show that the marks were awarded arbitrarily. That apart, it is not that all the apprentices who had applied have been selected. Moreover, 212 persons sponsored through Employment Exchange under the priority quota and 74 candidates sponsored through Employment Exchange under non-priority quota have also been selected. This will clearly indicate that the candidates sponsored through Employment Exchange have also been awarded marks properly and they have also been selected. Hence, this contention of the Appellants is also not sustainable.

15. In view of the above discussion, we are not inclined to interfere in the order of the learned Single Judge, wherein he



has issued directions with regard to the manner of notification for the future vacancies and for verification of the documents of all the selected candidates.

16. The counsel for the Appellants further contended that 61 persons have filed these Writ Appeals, who have been sponsored through Employment Exchange. According to the learned counsel for the Appellants, all of them are more than 50 years old and they have registered themselves before the Employment Exchange before 2000. The counsel for the Appellants further contended that more vacancies are available even as on today and the respondent Board could consider accommodating the Appellants in the next recruitment.

17. When the Bench requested the Board to come out with a solution for this issue, the Standing Counsel for the Board filed a memo to the effect that at present, there are 1693 vacancies in Technical Assistant/Electrical posts. The Board has already taken steps to select 300 candidates through Direct Recruitment, after issuing amendments to the Tamil Nadu Electricity Board Service Regulations. The memo also states that the Board has taken a policy decision that all the apprentices also should undergo a written examination on par with candidates sponsored through the Employment Exchange and other things being equal, apprentice will be given preference in appointment as per the law laid down by the Hon'ble Supreme Court. The Board has also decided to relax the age to the extent of the actual period of apprentice training undergone in the Board. The said memo is recorded.

18. The contentions raised by the writ petitioners/Appellants for challenging the Advertisement, selection process, are not sustainable in law and hence, we are not inclined to interfere in the order of learned Single Judge. Moreover, the Appellants have sought for a separate selection process for the Diploma holders excluding the degree holders. The memo filed by the Tamil Nadu Electricity Board, indicates that they are taking steps to amend the service regulations to remove the Degree Holders from the process of recruitment for the post of Technical Assistant/Electrical. This will satisfy the grievance of the appellants. Hence, we are inclined to pass the following orders:

i) The Tamil Nadu Electricity Board shall follow the directions issued by the learned Single Judge in Paragraph 10 of the impugned order;

ii) The respondent Board shall issue proper advertisement in the light of the dictum laid down in Excise Superintendent Malkapatnam, Krishna District vs. K.B.N.Vishweshwara and others,



reported in 1996 6 SCC 216 and shall strictly follow the directions issued by the learned Single Judge, by issuing advertisement on or before 31.12.2021;

(iii) The 61 candidates, who have filed the Writ Appeals, shall also be called for the Interview and shall be considered based upon the merits to be assessed by the Interview Board, however, relaxing the age.

(iv) The said process shall be completed on or before 31.03.2022.

(v) In view of the above said order, the counsel for the petitioners in W.P.No.16693 of 2013, W.P.No.3570 of 2021 and W.P.No.8660 of 2021, requested that the said writ petitions, in respect of challenge to Regulation 89(d)(i) of the Tamil Nadu Electricity Board Service Regulations, may be dismissed as withdrawn. Hence, these writ petitions are dismissed as withdrawn, against the portion of the relief mentioned surpa. The Writ Petitioners may also be treated on par with other 61 candidates.

19. With the above said observations, all these Writ Appeals are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(rap/mrp)

To

1. The Chairman,
The Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 2.
2. The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 2.



3. The Special Commissioner,
Employment and Training,
Guindy, Chennai.
4. The Director of Technical Education,
Tamilnadu, Guindy,
Chennai.
5. The Secretary to Government,
Tamil Nadu Electricity Board,
Secretariat, Chennai - 600 009.
6. The Chairman Cum Managing Director,
Tamil Nadu Electricity Board,
N.P.K.R.R. Maligai,
Old No.800, New No.144,
Anna Salai,
Chennai - 600 002.
7. The Managing Director,
TANGEDCO Ltd.,
N.P.K.R.R. Maligai,
Old No.800, New No.144,
Anna Salai,
Chennai - 600 002.
8. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
144, Anna Salai,
Chennai - 600 002.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.59890
+62ccs to Mr.A.R.Suresh, Advocate, S.R.No.59886
+1cc to the Government Pleader, S.R.No.55027

W.A.NOS.298 OF 2016, 1328 OF 2015, 1445 OF 2015,
214 & 215 OF 2016, 436 TO 445 OF 2016, 461 TO
470 OF 2016, 968 OF 2016, 258 TO 263 OF 2017,
520 OF 2017, 521 OF 2017, 2477 TO 2481 OF 2019,
2483 OF 2019, 2624 OF 2019, 2625 OF 2019,
W.P.(MD) NOS.16693 OF 2013, 3570 OF 2011,
4987 OF 2014 AND W.P.8660 OF 2021

JP (CO)
PBS/04/01/2022