



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

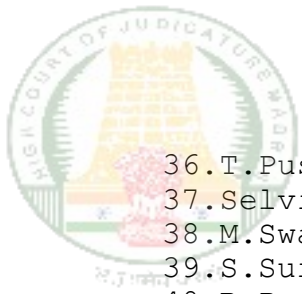
THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.10954, 17859 & 9964 of 2016
and

W.M.P.Nos.8933 to 8935, 9539, 9540, 15552 of 2016
18385, 19816 & 20186 of 2018

W.P.No.10954 of 2016

- 1.C.Arunachalam
- 2.S.Jayaprakash
- 3.Ananthan
- 4.G.Sakthivel
- 5.R.Janarthanan
- 6.M.Mahendiran
- 7.S.Manikandan
- 8.S.Senthilkumar
- 9.G.Kumar
- 10.S.Prabu
- 11.P.Venkatesan
- 12.Chakkaravarthi
- 13.K.Senthilkumar
- 14.K.Nandhakumar
- 15.N.Ilayaraja
- 16.D.Saravanan
- 17.G.Sankar
- 18.K.Narasimman
- 19.M.Vasanthakumar
- 20.M.Ayyadurai
- 21.R.Janarthan
- 22.S.Karuppasamy
- 23.K.Sheik Abdulla
- 24.G.Anantharaj
- 25.R.Rengayakumar
- 26.S.Arulkumaran
- 27.K.Prakasam
- 28.A.Manikandan
- 29.D.Jayamurugan
- 30.P.Sathiya
- 31.S.Mythili
- 32.K.Mohanasundaram
- 33.D.Baskaran
- 34.S.Venkateshwari
- 35.D.Balakrishnan



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- 36.T.Pushpa
- 37.Selvi
- 38.M.Swaminathan
- 39.S.Suresh
- 40.B.Paneerselvam
- 41.S.Uthamaseelan
- 42.R.Jakkayan
- 43.A.Karuppaiyan
- 44.V.Saravanan
- 45.T.Marimuthu
- 46.C.Balamurugan
- 47.P.Anbarasan
- 48.S.Sidharasu
- 49.S.Govindan
- 50.G.Vijikumar
- 51.S.Govindaraj
- 52.S.Karuppasamy
- 53.G.Anantharaj
- 54.Rengayakumar
- 55.S.Arulkumaran
- 56.K.Praksam
- 57.P.Ramasamy
- 58.V.Sankar
- 59.J.Kalaiselvan
- 60.Sakthivel
- 61.L.Sundaramoorthy
- 62.T.Velautham
- 63.M.Vivekanandan
- 64.C.Madhayan
- 65.P.Rasaputhiran
- 66.S.Nadaraj
- 67.J.Arivalagan
- 68.S.Sureshsankar
- 69.B.Elanchezhian
- 70.S.Agastin
- 71.Illiyaraja
- 72.J.Sivanandham
- 73.G.Muthusamy
- 74.K.Senthil
- 75.K.Velmurgan

... Petitioners

-Vs-

1. Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.



2. Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

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3.G.Rajesh
4.R.Mutharasu
5.G.Ramesh
6.Kanagaraj
(R3 to R6 impleaded as per order
dt. 5/2/2020 made in WMP.12638/
2019 in WP.10954/2016)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the action of the respondents in fixing the upper age limit for appointment to the 900 post of Field Assistant (Trainee) in the 1st respondent Corporation as 32 years for Backward/B.C.M/MBC and 35 years for SC/ST, fixing no age limit for persons having higher education (P.U.C/H.S.C/Diploma) other S.S.L.C and I.T.I and proceeding with Direct Recruitment for the post of Field Assistant (Trainee) through competitive written examination to be held on 03.04.2016 in notification No.1 of 2016, dated 28.02.2016 as illegal, arbitrary and contrary to law and consequently direct the respondents to granting age relaxation to the petitioners have possessing S.S.L.C with I.T.I for the same age relaxation given no upper age limit to the candidates those who possess P.U.C/H.S.C(+2)/Diploma.

For P23 & 37 : Mr.N.Vignesh
for Mr.S.Manikandan

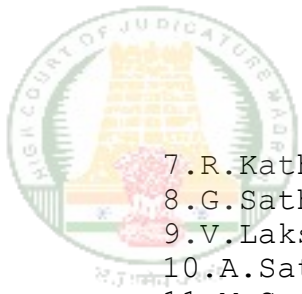
For P1 to 22,
24 to 36,
38 to 75 : No Appearance

For R1 & 2 : Mr.P.Subramanian,
Standing Counsel

For R3 to 6 : M.R.Selvakumar

W.P.No.17859 of 2016

1.N.Raja
2.P.Muthukkumar
3.R.V.Monagaran
4.V.Karnesh
5.M.Kamalakaran
6.T.Murali



7.R.Kathiravan
8.G.Sathiesh Kumar
9.V.Lakshmanan
10.A.Sathiyagu Ponnudurai
11.M.Saravanan
12.T.Velmurugan
13.S.Illayaraja
14.S.Thirumaran
15.P.Aanantharajan
16.R.Muthuraja
17.P.Sathiyan
18.S.Aarumugam
19.R.Kausalya
20.G.Lakshmanan
21.V.Murugan
22.A.Manikkavelu
23.M.Bhaskar
24.S.Sivakumar
25.M.Rageswaran

...Petitioners

-Vs-

1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.

2.Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

3.G.Rajesh
4.R.Mutharasu
5.G.Ramesh
6.Kanagaraj
(R3 to R6 impleaded as per order
dated. 16/09/2021 made in WMP.12639/
2019 in WP.17859/2016)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent notification No.1/2016 dated 28.02.2016 in so far as not giving age relaxation to the petitioners who are possessing S.S.L.C with I.T.I and quash the same and consequently direct the 2nd respondent to give age relaxation to the person who are having S.S.L.C and I.T.I qualification.



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For P1, 3 to 25 : Mr.V.Stalin
For P2 : Mr.N.Vignesh
for Mr.S.Manikandan
For R1 & 2 : Mr.P.Subramanian,
Standing Counsel
For R3 to 6 : M.R.Selvakumar

W.P.No.9964 of 2016

1.P.Ramesh
2.V.Selvakumar
3.K.Mahesh
4.V.Kesavan
5.P.Ranjith
6.K.Rajeswaran
7.V.Udhayakumar
8.S.Gunasekaran
9.P.Jayabal
10.P.Gunasekaran
11.G.Senthilkumar
12.N.A.Palani
13.D.Selventhiran
14.P.Venkatesan
15.P.Sundaram
16.P.Ramasamy
17.J.Sakthivel
18.Palani
19.R.Sadhasivam
20.P.Balamurugan
21.C.Arumugam
22.C.Mathiyalagan
23.D.Kavitha
24.G.Suresh
25.P.Murthy
26.Mumoorthy
27.Nagarajan
28.G.Kannan

... Petitioners

-Vs-

1. Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.
2. Chief Engineer (Personnel),
Tamil Nadu Generation and



Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

3.G.Rajesh
4.R.Mutharasu
5.G.Ramesh
6.Kanagaraj
(R3 to R6 impleaded as per order
dated. 16/09/2021 made in WMP.12638/
2019 in WP.9964/2016)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the action of the respondents in fixing the upper age limit for appointment to the 900 post of Field Assistant (Trainee) in the 1st respondent Corporation as 32 years for Backward/B.C.M/MBC and 35 years for SC/ST, fixing no age limit for persons having higher education (P.U.C/H.S.C/Diploma) other S.S.L.C and I.T.I and proceeding with Direct Recruitment for the post of Field Assistant (Trainee) through competitive written examination to be held on 03.04.2016 as illegal, arbitrary and contrary to law and consequently direct the respondents to granting age relaxation to the petitioners have possessing S.S.L.C with I.T.I for the same age relaxation given no upper age limit to the candidates those who possess P.U.C/H.S.C(+2)/ Diploma.

For P11 & 23 : Mr.N.Vignesh
for Mr.S.Manikandan

For P1 to 10,
12 to 22 &
24 to 28 : No Appearance

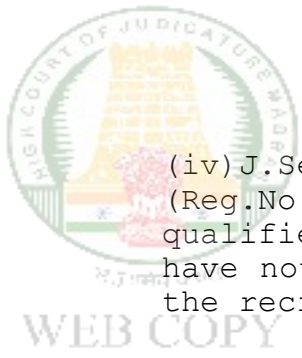
For R1 & 2 : Mr.P.Subramanian,
Standing Counsel

For R3 to 6 : M.R.Selvakumar

COMMON ORDER

All the petitioners herein are aggrieved against the action of the respondents in not promoting them for participation in the selection process for the direct recruitment to the post of Field Assistant (Trainee) conducted pursuant to a competitive written examination held on 03.04.2016.

2. Among these petitioners, except the petitioners namely (i)G.Senthil Kumar (Reg. No.1111170996), (ii)D.Kavitha (Reg.No.1311171880), (iii)K.Sheik Abdulla (Reg.No.1411171998),



(iv) J.Selvi (Reg.No.1111170985) and (v) P.Muthukumar (Reg.No.1411171989), all the other petitioners have not qualified themselves in the written examination and hence, they have not been called for participation in the further process of the recruitment. This aspect is not under dispute.

3. Insofar as the aforesaid 5 candidates are concerned, who have qualified in the written examination, the learned Standing Counsel appearing for the respondent/Corporation had produced details of these candidates with regard to their age limitations. As per the details given, all these candidates have crossed the minimum age limit prescribed under the recruitment notification. The said details are hereunder:-

Reg. No.	Name	Case No.	Date for Reckoning of Age as per Notification	Date of Birth	Community	Age as on 01.07.2015
1111170996	G.Senthil Kumar	WP.No. 9964 of 2016	01.07.2015	15.08.1980	MBC/DC	34 years 10 months 16 days
1311171880	D.Kavitha	WP.No. 9964 of 2016	01.07.2015	21.06.1979	BCO	36 years 10 days
1411171998	K.Sheik Abdulla	WP.No. 10954 of 2016	01.07.2015	10.04.1983	BCM	32 years 2 months 21 days
1111170985	J.Selvi	WP.No. 10954 of 2016	01.07.2015	05.02.1982	MBC/DC	36 years 24 days
1411171989	P.Muthukumar	WP.No.17859 of 2016	01.07.2015	07.06.1979	MBC/DC	35 years 1 month 24 days

4. The prayer sought for in W.P.Nos.10954 and 9964 of 2016 is for an issuance of Writ of Declaration to relax the age limit of the petitioners. The only ground raised for substantiating such a prayer is that, in the 4th batch of the same recruitment process conducted by the respondent/Corporation, an Hon'ble Division Bench of this Court, in the case of J.Pandian and others Vs. Tamil Nadu Generation and Distribution Corporation



Ltd., passed in W.A.No.1045 of 2016, dated 10.01.2020, had relaxed the age limit and consequently granted appointments to one of the appellant therein, who had crossed the prescribed age limit by 1 month and 24 days.

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5. A perusal of the order of the Hon'ble Division Bench squarely reveals that such a decision was taken only on the peculiar circumstances of that case and that the Hon'ble Division Bench had made it clear that the order passed in the Writ Appeal will not act as a precedent for any similar case. The relevant portion of the order reads as follows:-

"2. In pursuance of the said directions, the learned counsel for respondents Mr.Karthik Rajagopal has submitted a chart before this Court, which shows that the only selected candidate ie., the 4th appellant herein K.Ramalingam, S/o.M.Kuzhanthaivellu, No.27, Thanalakshmi Nagar, Unnamalichetti Savadi, Koondur Post, Cuddalore District, had crossed the prescribed age bar of 35 years only by a short period of one month and 24 days as on the cut-off date of 01.07.2015. The said chart is taken on record. Since all the other appellants except the fourth appellant in the present writ appeal were not selected in the selection process for the post of Field Assistant and the fourth appellant had crossed the age bar of 35 years only by a very short period of one month and 24 days, and since almost five years have passed from the date of the notification, we are not inclined to delay the matter any further. Though the names of the learned counsel for the appellants Ms.P.M.Jayachandran and v.Indumathi are printed in the cause list, none appeared on behalf of the appellants.

3. Under these circumstances, we direct the respondents TANGEDCO to issue Appointment Order in favour of the said fourth appellant Mr.K.Ramalingam, S/o.M.Kuzhanthaivellu, immediately and sent the same to his given address without any lapse of time. If the said person is not inclined to join within the prescribed time as given in the Appointment Order, no further equity or benefit will accrue to him. However, if he offers to join in pursuance to the Appointment Order by the respondents, he may be permitted to join.



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4. We make it clear that in view of the peculiar circumstances of the case, we have exercised our extraordinary jurisdiction under Article 226 of the Constitution of India and such direction will not, in any view, affect the merits of the contentions which may be raised by the respondent Corporation in such other cases and will not act as a precedent for such other cases at all. The Writ Appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed."

[emphasis supplied]

6. The aforesaid order is self explanatory. The Hon'ble Division Bench had made it very clear that this order passed in the case of J.Pandian (supra), will not act as a precedent and as such, placing reliance on this Division Bench's order and claiming relaxation, cannot be justifiable.

7. In view of the pendency of the present writ petitions and the interim orders granted herein, the other successful candidates, who may be subjected to further selection process, have been kept under waiting list and who have also impleaded themselves in the present writ petitions.

8. Since all the petitioners, except the 5 petitioners mentioned above, have not qualified in the written examination, their candidatures automatically does not require further consideration in the selection process. Likewise, the 5 candidates who have qualified in the written examination have, since crossed the minimum age requirement as detailed in the earlier paragraphs of this order, will also not be eligible for participation in the further selection process. As such, the first respondent herein is now at liberty to proceed with the selection process from the list of the wait listed candidates.

9. In the light of the above observations, there are no merits in the claim made by the petitioners and accordingly, all the Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

hvk



To:

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

2. Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

+1cc to Mr.S.Manikandan, Advocate, S.R.No.1213
+1cc to Mr.P.Subramanian, Advocate, S.R.No.570
+4ccs to M.R.Selvakumar, Advocate, S.R.No.519

W.P.Nos.10954, 17859 & 9964 of 2016

NR(CO)
CT 14/02/2022