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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.7305 of 2014

And

MP No.1 of 2014

S.Andavar

.. Petitioner

vs.

1.The Chief Engineer (Personal),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai - 600 002.

2.The Selection Committee,
O/o.The Chief Engineer (Personal),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai - 600 002.

3.The Principal Secretary,
NLC Department,
Chennai - 600 009.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner as selected to the post of Assessor (Trainee) under Direct Recruitment for the year 2013-2014.

For Petitioner : Mr.V.Balasubramaniam

For Respondents: Mr.P.Subramanian,
Standing Counsel for TANGEDCO.

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to consider the petitioner as selected to the post of Assessor (Trainee) under Direct Recruitment for the year 2013-2014.



2. The petitioner states that he participated in the process of selection for appointment to the post of Assessor (Trainee) in the service of the TANGEDCO. The petitioner attended the interview.

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3. The learned counsel for the petitioner made a submission that the petitioner secured 59.4% and he belongs to Scheduled Caste category. However, the petitioner was not selected to the post of Assessor (Trainee) under Direct Recruitment. The petitioner submitted that he had submitted a representation on 20.02.2014 to the third respondent to consider his name for selection to the post of Assessor (Trainee), but the representation of the petitioner was not considered based on merits and it is contended that many other non-meritorious candidates were selected and appointed to the abovesaid post.

4. Learned Standing Counsel appearing on behalf of the respondent-TANGEDCO made a submission that the selection was conducted by following the procedures and meritorious candidates in the respective categories were selected and appointed. Rule of Reservation was also scrupulously followed in the process of selection. In this regard, paragraphs 10 and 11 of the counter-affidavit filed by the first respondent read as under:-

"10. I respectfully submitted that out of 3812, eligible candidates for the post of Assessor Grade II were selected as per G.O. (Ms.)No.65 (P&AR) Department, dated 27.05.2009 and the result has been published in the TANGEDCO Website. The appointment and allotment orders were issued to all the selected candidates. They have been selected based on their marks secured in S.S.L.C. examination, i.e., 100% converted to 85%, interview marks 15%, communal roster priority and rule of reservation in force.

11. I respectfully submit that the cut off marks for the post of Assessor Grade II in respect of SC (Non-priority) is 68.21 whereas the petitioner has secured only 56.49 as detailed below. Hence he has not reached the zone of selection.

1. Qualifying examination marks

(i) for 100%	:	59.40
(ii) for 85%	:	50.49

2. For viva-voce interview 15%:	+	6.00
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56.49
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5. In respect of the grounds raised in the present writ petition, the process of selection can be interfered with by the High Court by exercising the power of judicial review only if the selection is tainted with the allegation of mala fides or the allegation of corrupt practices are established. Certain general grounds raised regarding selection cannot form any basis for setting aside the process of selection.

6. In the present case, the petitioner has not challenged the selection list nor impleaded the persons, who were selected and appointed irregularly and illegally. Except making certain general allegations, the petitioner has not placed any materials for the purpose of establishing such irregularity and illegality in the process of selection. Contrarily, the respondent-TANGEDCO state that the process of selection was conducted by following the procedures as contemplated.

7. This being the factum, the relief as such sought for to direct the respondents to consider the petitioner for appointment to the post of Assessor (Trainee) under direct recruitment, cannot be granted.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Chief Engineer (Personal),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai - 600 002.

2.The Selection Committee,
O/o.The Chief Engineer (Personal),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai - 600 002.



3.The Principal Secretarty,
NLC Department,
Chennai - 600 009.

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KJ(CO)
GMV(05/07/2022)