



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6528 of 2014
and
M.P.No.1 of 2014

S.Muruga Arul

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO)
144, Anna Salai,
Chennai 600 002.

2.The Secretary,
Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO)
144, Anna Salai,
Chennai 600 002.

3.The Chief Engineer / Personnel,
Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO)
144, Anna Salai,
Chennai 600 002.

4.The Chief Engineer / IT,
Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO)
144, Anna Salai,
Chennai 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 3 to consider the representation of the petitioner dated 19.02.2014 and 20.02.2014 and consequently appoint the petitioner as 'Assistant Programmer' while retaining the original seniority of the petitioner.

For Petitioner :Ms.L.Sweety
For Mr.S.Ramesh Kumar

For Respondents: Mr.P.Subramaniam
Standing Counsel
For TANGEDCO



ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 3 to consider the representations of the petitioner, dated 19.02.2014 and 20.02.2014, and consequently, appoint the petitioner as Assistant Programmer, while retaining the original seniority of the petitioner.

2.The petitioner was appointed as Helper in the TANGEDCO. He was promoted to the post of Commercial Inspector and the petitioner claims that he is fully qualified and eligible for appointment to the post of Assistant Programmer. An internal selection process was notified by the respondent / TANGEDCO in the year 2012. The petitioner participated in the internal selection process and his name was not found in the select list.

3.The learned counsel for the petitioner strenuously contended that the petitioner is fully eligible and qualified for appointment to the post of Assistant Programmer and his name was not considered without any valid reason. The ground raised by the petitioner is that the respondents have failed to conduct the process of selection in a fair and transparent manner. Therefore, the 3rd respondent ought to have considered the representation submitted by the writ petitioner for inclusion of his name in the selection list.

4.The process of selection can be challenged by an unsuccessful candidate only on certain limited grounds. If the process of selection is tainted with mala fides, corrupt or fraudulent activities, then alone, Courts can, in exercise of powers of judicial review, shall interfere with the selection, but not otherwise. The person, who is approaching the Court, must establish such allegations and in the absence of any such allegations, Courts would not interfere with the process of selection ordinarily.

5.In the present case, the petitioner participated in the process of internal selection conducted by the respondent / TANGEDCO. The select list was issued in proceedings dated 17.12.2013. The said select list was not challenged by the writ petitioner. In the absence of challenging the select list, mere representation to include the name of the writ petitioner would not be a ground for granting the relief of appointment to the post of Assistant Programmer. Pursuant to the selection list, the selected candidates were appointed and serving for past about 8 years. Mere representation in this regard would not be a ground to consider the relief of appointment. Even to consider the representation, the petitioner has to establish a right. Only in the event of establishing a right, Courts would be issuing directions to consider the representation.



6. Mechanical or routine issuance of order of direction to consider the representation submitted by a person would do no service to the cause of justice. Such directions are to be issued only if there is any violation on the part of the competent authorities in considering the representation as per the rules and regulations in force. It is a growing trend that, litigants are filing writ petitions seeking the relief to direct the respondents to consider the representation. If such relief is granted in a routine manner, there is a possibility of abuse of such orders by the litigants. There is a possibility of such orders being utilized for working out the remedy in a corrupt manner with the collusion of the authorities. In the event of submitting such representations and filing the writ petitions without even establishing a right, such writ petitions cannot be entertained and such a practice of the litigants cannot be appreciated, but is to be deprecated.

7. Thus, the person approaching the Court of law has to establish his/her right and only then, the Courts would be in a position to grant appropriate relief. In the present case, admittedly, the petitioner has not challenged the select list and his name was not included in the select list for appointment to the post of Assistant Programmer. This being the factum, the relief as such sought for to consider the representation and to appoint the petitioner would not arise and consequently, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

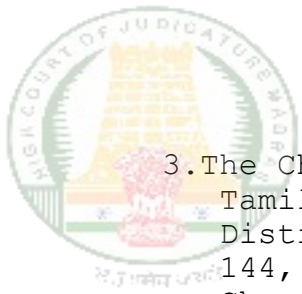
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Sub Assistant Registrar

Jeni/Mkn
To

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+1 cc to Mr.S.Ramesh Kumar, Advocate Sr.NO. 33410

+1 cc to Mr.P.Subramaniam, Advocate Sr.NO. 34109

W.P.No.6528 of 2014

nrl(CO)

A.SK(17/06/2022)