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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.5951 of 2014

And

MP No.1 of 2014

K.Manickam

.. 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 Secretarty,
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 ITI Helper (Trainee) under Direct Recruitment for the year 2013-2014.

For Petitioner : Mr.R.Ramesh

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 ITI Helper (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 ITI Helper (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 84.57% and he belongs to Scheduled Tribe category. However, the petitioner was not selected to the post of ITI Helper (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 ITI Helper (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 to 12 of the counter-affidavit filed by the first respondent read as under:-

"10. I respectfully submitted that out of 10357, eligible candidates, 4000 ITI Helpers 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 ITI National Trade Certificate/National Apprenticeship Certificate (100% converted to 85%), Interview Marks (15%), Communal Roster, priority and rule of reservation in force. At the time of selection, 30% reservation was given to women candidates and 3% reservation for differently abled persons. Also the details of percentage of reservation for all Communities are given below:-

Sl.No.	Community	Percentage of Reservation
1.	OC	31%
2.	BCO	26.5%
3.	BCM	3.5%
4.	MBC/DC	20%



Sl.No.	Community	Percentage of Reservation
5.	SC	15%
6.	SC (A)	3%
7.	ST	1%

11. I respectfully submit that the selection was made purely based on merit by computing the percentage of marks obtained in ITI NTC to 85% and then by adding marks awarded for 15% by the Selection Committee at the time of viva-voce.

12. I respectfully submit that the cut off marks for Scheduled Tribe from the selected candidates to the post of ITI Helper is 76.3%, whereas the petitioner had scored only 74.88% which clearly shows that he has not even reached the zone of selection.

Qualifying examination marks in ITI trade = 84.57% out of 100%

(i) Computed for 85% :
71.88%
(ii) Viva-voce interview 15% : 3%
(+)

74.88%
-----"

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 ITI Helper (Trainee) under direct recruitment, cannot be granted.

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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),
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Corporation Ltd.,
Chennai - 600 002.
- 2.The Selection Committee,
O/o.The Chief Engineer (Personal),
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KJ(CO)
GMY(05/07/2022)