



W.P.No.22793 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22793 of 2013

and

MP.No.1 of 2013

Chakkaravarthy

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R. Maligai,
144, Anna Salai,
Chennai 600 002
- 2.The Chief Engineer/Personnel
Tamilnadu Generation and Distribution Corporation Limited,
Administrative Office,
7th Floor,
144, Anna Salai,
Chennai 600 002
- 3.The Professional and Executive Employment Officer,
Department of Employment and Training,
Employment Office,
Nandanam,
Chennai
- 4.The Special Tahsildar,
Land Acquisition,
Jayankondam Lignite Power Project,
Sannathi Street,



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Jayankondam,
Ariyalur District
5.Kannan
6.V.Rajagopal
7.T.S.Senthil Nathan
8.K.Palamalai

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records pertaining to the appointment orders issued by the second respondent in letter No.11494/24/G.55/G.552/2011 dated 06.07.2012 issued to the respondents 5 to 8 and quash the same and consequently directing the second respondent to appoint the petitioner as Assistant Engineer(Mechanical).

For Petitioner : Mr.G.Pugazhenth

For Respondents

For R1 & R2 : Mr.K.Raj Kumar,
Standing Counsel for TNEB

For R3 & R4 : Mr.M.P.Murugan Raja,
Government Advocate

For R5 to R8 : No appearance

ORDER

This writ petition has been filed challenging the order of appointment dated 06.07.2012 issued in favour of respondents 5 to 8 on



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the ground that they are not entitled on the ground of priority basis.

2. The petitioner had completed his degree in Bachelor of Engineering (Mechanical) in the year 1995. He got registered his name in the Professional and Executive Employment Officer, Department of Employment and Training(Employment Office), Chennai. He also completed MBA in the year 2006 and the same was also registered with the Employment Office. His father owned land in Melur Village, Udayarpalayam Taluk, Ariyalur District. In view of the partition between the family members, the petitioner was allotted his share. While being so, his entire land including his residential house were acquired by the fourth respondent for the purpose of Jayankondam Lignite Power Project. Therefore, his livelihood was affected and he was also displaced from his native place to the present given address. Therefore, the Government of Tamilnadu issued Government Order in GO.Ms.No.188 (P&AR) dated 28.12.1976 in order to provide employment for the family members whose lands have been acquired for Government purposes as well as for the projects of the public sector undertakings subject to the condition that



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preference should be given to those who are depending for their livelihood primarily or wholly on the lands acquired.

3. Accordingly, the petitioner was issued priority certificate dated 28.02.2002 by the fourth respondent. The said certificate was registered with the third respondent / Employment Office on 13.08.2002 and the second respondent issued notification for Direct Recruitment-2012 calling for the applications to the post of Assistant Engineer / Electrical, Mechanical and Civil in the service of Tamilnadu Generation and Distribution Corporation Limited. The petitioner's name was also sponsored by the the third respondent for the post of Assistant Engineer. He made application in the prescribed format before the second respondent. Thereafter, he had participated in the interview on 02.05.2012 for the post of Assistant Engineer(Mechanical). The third respondent sponsored six candidates including the petitioner under the priority category(Land Acquisition). However, five candidates were alone participated in the interview, who are the petitioner and respondents 5 to 8 herein. However, the petitioner was not selected for



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the said post and respondents 5 to 8 were selected under the priority category.

4. The learned counsel for the petitioner contended that respondents 5 to 8 are not eligible for appointment to the said post under the priority category since their livelihood were not affected on the acquisition of their land. The meagre land alone belong to respondents 5 to 8 was acquired. Even then, they were certified under the priority category by the fourth respondent. The priority certificates submitted by the petitioner is in accordance with the norms laid down under G.O.Ms.No.188 (P&AR) dated 28.12.1976. However, respondents 5 to 8 were not properly certified in consonance with G.O.Ms.No.188 (P&AR) dated 28.12.1976.

5. Heard the learned counsel appearing on either side.

6. On perusal of counter, revealed that the second respondent issued notification for Direct Recruitment-2012 calling for the



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applications to the post of Assistant Engineer / Electrical, Mechanical and Civil in the service of Tamilnadu Generation and Distribution Corporation Limited. Totally around 564 candidates applied and they were called for verification of certificates and interview. Out of 564 candidates, 327 candidates were appeared for interview. The selection was finalised based on the merit of their respective marks and as per the communal rotation as ordered in GO.Ms.No.65, Personnel and Administrative Reforms(K) Department dated 27.05.2009 and selection list was published in the Tamilnadu Electricity Board website on 06.07.2012. The Government of Tamilnadu issued GO.Ms.No.142 dated 14.10.2009 directing that the rule of reservation shall be made applicable to all vacancies whether they are filled by priority or non priority category as per ratio 1:4.

7. Insofar as respondents 5 to 8, they were sponsored by the Employment Exchange for the post of Assistant Engineer /Mechanical under MBC priority (Lands acquired by Government) category. The cut off marks for the post on merit is 56.93 % and General Turn (priority) on



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merit is 54.65 %. Respondents 5 to 8 had scored more than cut off marks and as such they were selected for the post of Assistant Engineer / Mechanical. Their marks are as follows:

Sl. No.	Name of the Candidates	Comm-unity	Qualifying Examination marks for 100%	Qualifying Examination marks for 85%	Viva-voce interview 15 marks	Total Marks
1	Kannan.G	MBC	76.34	64.89	7.00	71.89
2	Rajagopal	MBC	64.58	54.90	6.00	60.90
3	Senthilnathan.T.S.	MBC	59.91	50.93	6.00	56.93
4	Palamalai.K	MBC	58.42	49.65	5.00	54.65

8. As far as the petitioner is concerned, he had scored only 54.35 marks. It is less than the marks secured by respondents 5 to 8 herein. Therefore, the petitioner had not reached zone of selection on merit in both the General Category and Priority Category. On perusal of the priority certificate issued by the fourth respondent in favour of respondents 5 to 8, revealed that admittedly their lands were also acquired and they were certified under priority category. Therefore, under priority category, including respondents 5 to 8 and the petitioner were granted full marks. Insofar as other heads, the petitioner scored less marks than respondents 5 to 8 and as such, he had not reached zone of selection. Therefore, the petitioner cannot challenge the selection of the



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respondents 5 to 8 herein since they were selected in accordance with their marks under the Priority Category. Therefore, the writ petition is devoid of merits and liable to be dismissed.

9. Accordingly, this writ petition is dismissed. However, the learned counsel for the respondents would submit that now the entire project namely Jayankondam Lignite Power Project itself has been dropped and the lands are lying vacant. The petitioner was displaced from his land after receiving very meagre compensation. After completing his B.E.degree, he is looking after his petty shop. Considering the above facts and circumstances of the case, respondents 1 and 2 are directed to consider the petitioner for the post of Assistant Engineer / Mechanical in the future vacancies within a period of four weeks from the date receipt of copy of this Order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R. Maligai,
144, Anna Salai, Chennai 600 002
- 2.The Chief Engineer/Personnel
Tamilnadu Generation and Distribution Corporation Limited,
Administrative Office,
7th Floor, 144, Anna Salai,
Chennai 600 002
- 3.The Professional and Executive Employment Officer,
Department of Employment and Training,
Employment Office,
Nandanam, Chennai
- 4.The Special Tahsildar,
Land Acquisition,
Jayankondam Lignite Power Project,
Sannathi Street,
Jayankondam, Ariyalur District
5. The Public Prosecutor,
High Court, Madras.

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