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W.P.No.7622 of 2023, etc. etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 23 ..08..2023

Orders Pronounced on : 04.. 10..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition Nos.7622 of 2023, 17950, 17952,
18010 of 2021 & 29045 of 2022

and

W.M.P.Nos.7768 of 2023, 19168, 19170, 19241,
19242 of 2021, 28333 of 2022

and

Writ Petition (MD) Nos.417 of 2020, 3572, 3652, 3949 & 9732 of 2021
&

W.M.P.Nos.326, 327, 764 of 2020, 2898, 2950, 11944, 3166,
16749, 16747, 11982 of 2021 & W.M.P.No.17063 of 2023

.....

W.P.No.7622 of 2023

1.R.Manimaran

2.G.Purushothaman

..... Petitioners

-Versus-

1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Energy Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Chief Electrical Inspector to Government,
Government of Tamil Nadu Electrical Inspectorate,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.



W.P.No.7622 of 2023, C.C. Bench

3. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600 003.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the respondents to issue appointment and posting orders to the petitioners 1 and 2, selected provisionally for appointment vide Selection Memorandum dated 26.08.2021 for the post of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate service pursuant to Notification No.18/ 2019 dated 29.05.2019 within a time frame to be fixed by this Court and consequently forbear the respondents 1 and 2 from appointing any candidates to the post of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate Service pursuant to Notification No.10/ 2022 dated 04.04.2022 till such time the respondents issue appointment orders to the Petitioners 1 and 2.

For Petitioner : *Mr. Richardson Wilson*

For Respondent (s) : *Mr. R. Neelakandan,*
Addl. Advocate General,
Assisted by
Mr. P. Baladhandayutham,
Spl. Government Pleader and
Ms. M. Keerthika,
Government Advocate
for RR1 & 2
Mr. I. Abrar Md. Abdullah,
Standing Counsel for R3



W.P.No.7622 of 2023, C.C. Bench

W.P.No.17950 of 2021

A.Sheik Fareed

..... Petitioner

-Versus-

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai 600 003.

..... Respondent

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Declaration declaring that the petitioner (Register No.060007094) is eligible for the post of Assistant Electrical Inspector included in the Combined Engineering Services Examination, 2019, vide Notification No.18/2019 dated 29.05.2019 issued by the respondent-TNPSC.

For Petitioner : Mr.M.Radhakrishnan

*For Respondent (s) : Mr.I.Abrar Md. Abdullah,
Standing Counsel*

W.P.No.17952 of 2021

Gunadevan.C

..... Petitioner

-Versus-

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai 600 003.

..... Respondent



W.P.No.7622 of 2023, C.C. Bench

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Declaration declaring that the petitioner (Register No.200004009) is eligible for the post of Assistant Electrical Inspector included in the Combined Engineering Services Examination, 2019, vide Notification No.18/2019 dated 29.05.2019 issued by the respondent-TNPSC.

For Petitioner : *Mr.M.Radhakrishnan*

For Respondent (s) : *Mr.I.Abrar Md. Abdullah,
Standing Counsel*

W.P.No.18010 of 2021

P.Anbarasan

..... Petitioner

-Versus-

- 1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Chennai 600 003.
- 2.The Secretary to Government,
Energy Department,
Fort St. George, Chennai 600 009.
- 3.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar, Chennai 600 003.
- 4.The Chief Electrical Inspector,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

..... Respondents



W.P.No.7622 of 2023, C.C. Bench

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to order dated 25.02.2021 for not considering for future selection process for the post of Assistant Electrical Inspector with possessed insufficient experience certificate and to quash the same and consequently direct the 1st respondent to reserve one seat under MBC category to the petitioner for the post of Assistant Electrical Inspector.

For Petitioner : *Mr.S.Kolandasamy*

For Respondent (s) : *Mr.I.Abrar Md. Abdullah,
Standing Counsel for R1 & 3
Mr.R.Neelakandan,
Addl. Advocate General,
Assisted by
Mr.P.Baladhandayutham,
Spl. Government Pleader and
Ms.M.Keerthika,
Government Advocate
for RR2 & 4*

W.P.No.29045 of 2022

1. D.Skathivel
2. R.T.Sathiyakumar
3. A.Arul Anand
4. S.Arun

.... Petitioners

-Versus-

- 1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Energy Department,
Fort St. George,
Chennai 600 009.



W.P.No.7622 of 2023, C.C. Bench

2.The Tamil Nadu Electrical Inspectorate Service,
Rep. by its Chief Electrical Inspector,
Thiru.Vi.Ka. Industrial Estate,
Guindy,
Chennai 600 0032.

3.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, VOC Nagar,
Park Town,
Chennai 600 003.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus% directing the 3rd respondent to recommend to the 1st respondent to issue appointment orders to the petitioners as Assistant Electrical Inspector included in the Combined Engineering Services Examination, 2008- 2019 pursuant to Notification No.18 / 2019, dated 29.05.2019 as per the letter of the 3rd respondent having Ref. No. Memorandum No. 3091 / OTD - A4 / 2019, dated 26.08.2021 since the petitioners have been selected provisionally for appointment by direct recruitment to the post of Assistant Electrical Inspector after having successfully participated in the written examination and oral test for the post of Assistant Electrical Inspector within a time frame to be fixed by this court.



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W.P.No.7622 of 2023, C.C. Bench

*For Petitioner(s) : Mrs.Nalini Chidambaram,
Senior Counsel for Mrs.C.Uma*

*For Respondent (s) : Mr.R.Neelakandan,
Addl. Advocate General,
Assisted by
Mr.P.Baladhandayutham,
Spl. Government Pleader and
Ms.M.Keerthika,
Government Advocate
for RR1 & 2*

*Mr.I.Abrar Md. Abdullah,
Standing Counsel for R3*

*Mr.D.Prabhu Mukunth Arunkumar for
Mr.Dilip Kumar N.*

W.P.(MD) No.417 of 2020

S.Princee

..... Petitioner

-Versus-

1. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Park Town, VOC Nagar,
Chennai 600 003.

2. Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Park Town, VOC Nagar,
Chennai 600 003.

3. M.Balasubramani

7 of 95



W.P.No.7622 of 2023, C.C. Bench

4. R.Yamini

5. A.Santhosh Kumar

6. A.Niroshini

7. K.Balakumaran

8. R.Arun Kumar

9. T.Thankarathi

10.Sunkara Srihari

11.S.Santhosh Kumar

12.A.Jinoish

13.S.Prabakaran

14.R.Manimaran

15.V.Bharathkumar

16.R.Abirami

17.P.Anbarasan

18.A.Rasheeth

19.C.M.Jeyakumar

20.G.Purushothaman

21.S.Mohamed Faisal

22.S.Dawood Hussain

23.B.Jeyachitra

24.A.Shakthisamaei

25.K.Bhuvaneswari

26.V.Nayanar

27.G.Raja



W.P.No.7622 of 2023, C.C. Bench

28.S.Rathiambal

29.M.Gunaseelan

30.P.Sathyadevi

31.B.Sivaramalingam

32.P.Revathi

33.P.Murugesan

[Respondents 3 to 33 were impleaded as per order of this court dated 20.01.2020 made in W.M.P.(MD) No.777 of 2020 in W.P.(MD) No.417 of 2020]

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Declaration declaring the provisional selection of candidates to the oral test for the post of Assistant electrical inspector in Tamil Nadu Electrical Inspectorate Service (2018-19), Assistant Engineer (Electrical), PWD in Tamil Nadu Engineering Service (2018-19) and Assistant Director of Industrial Safety and Health (Formerly known as Assistant inspector of factories) in the Tamil Nadu Factory Service 2018-2019 as illegal insofar as short-listing of 31 candidates, who were not initially called for certificate verification is concerned and for a consequential direction to the respondents 1 & 2 to conduct a oral test to the petitioner and select and appoint her in the post of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate Service 2018-19), Assistant Engineer (Electrical), PWD in Tamil Nadu Engineering Service (2018-19), and Assistant Director of Industrial Safety and Health (Formerly known as Assistant Inspector of Factories) in Tamil Nadu Factory Service 2018-2019 based on the marks secured by her in the written examination conducted on 10.08.2019 in the event, if she comes within the zone of consideration within the time period stipulated by this court.



W.P.No.7622 of 2023, C.C. Bench

For Petitioner : *Mr.M.Santhanaraman*
For Respondent (s) : *Mr.I.Abrar Md. Abdullah,*
Standing Counsel for RR 1 & 2

W.P.(MD) No.3572 of 2021

S.Princee

..... Petitioner

-Versus-

1.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Park Town, VOC Nagar,
Chennai 600 003.

2.Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Park Town, VOC Nagar,
Chennai 600 003.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notification dated 09.02.2021 on the file of the 2nd respondent insofar as not inviting the petitioner to the oral test (Phase-II) for the posts of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate Service (2018-19), Assistant Engineer (Electrical), PWD in Tamil Nadu Engineering Service (2018-19) and Assistant Director



W.P.No.7622 of 2023, C.C. Bench

of Industrial Safety and Health (Formerly known as Assistant inspector of factories) in the Tamil Nadu Factory Service, 2018-2019 as illegal and consequently for a direction, directing the respondents 1 and 2 to invite the petitioner to the oral test proposed to be conducted on 25.02.2021 FN at the office of the Tamil Nadu Public Service Commission for the Post of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate service (2018-19), Assistant Engineer (Electrical), PWD in Tamil Nadu Engineering service (2018-19) and Assistant Director of Industrial Safety and Health (formerly known as Assistant Inspector of Factories) in the Tamil Nadu Factory service, 2018-2019 based on the marks secured by the petitioner in the written examination conducted on 10.08.2019 within the time period stipulated by this court.

For Petitioner : *Mr.M.Santhanaraman*

For Respondent (s) : *Mr.I.Abrar Md. Abdullah,*
Standing Counsel for RR 1 & 2

W.P.(MD) No.3652 of 2021

S.Jamuna Rani

..... Petitioner

-Versus-

1.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Park Town, VOC Nagar,
Chennai 600 003.

2.Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Park Town, VOC Nagar,



W.P.No.7622 of 2023, C.C. Bench

Chennai 600 003.

..... Respondents

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Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notification dated 09.02.2021 on the file of the 2nd respondent insofar as not inviting the petitioner to the oral test (Phase-II) for the post of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate Service (2018-19), Assistant Engineer (Electrical), PWD in Tamil Nadu Engineering Service (2018-19), and Assistant Director of Industrial Safety and Health (Formerly known as Assistant Inspector of Factories) in the Tamil Nadu Factory Service, 2018-2019 and to quash the same as illegal and to issue a consequential direction, directing the respondents 1 and 2 to invite the petitioner to the oral test proposed to be conducted on 25.02.2021 FN at the office of the Tamil Nadu Public Service Commission for the Post of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate Service (2018-19), Assistant Engineer (Electrical), PWD in Tamil Nadu Engineering Service (2018-19) and Assistant Director of Industrial Safety and Health (formerly known as Assistant Inspector of Factories) in the Tamil Nadu Factory service, 2018-2019 based on the marks secured by the petitioner in the written examination conducted on 10.08.2019 within the time period stipulated by this court.

For Petitioner : *Mr.M.Santhanaraman*

For Respondent (s) : *Mr.I.Abrar Md. Abdullah,*



W.P.No.7622 of 2023, C.C. Bench

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For Petitioner

: Mr.M.Santhanaraman

Standing Counsel for RR 1 & 2

W.P.(MD) No.3949 of 2021

B.Sivakumar

..... Petitioner

-Versus-

- 1.The Tamil Nadu Public Service Commission,
Rep. by its Chairman,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600 003.
- 2.The Secretary to Government,
Energy Department,
Fort St. George, Chennai 600 009.
- 3.The Tamil Nadu Electrical Inspectorate Service,
Rep. by its Chief Electrical Inspector,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai.
- 4.X.Richard
- 5.C.Paneer Selvam
- 6.H.Assarudeen

[Respondents 4 to 6 were impleaded as per order of this court dated 22.12.2021 in W.M.P.(MD)No.16748 of 2021 in W.P.(MD) No.3949 of 2021]

7. R.T.Sathiyakumar



W.P.No.7622 of 2023, etc. dated

8. A.Arul Anand

9. M.Veeramuthu

10.R.Manimaran

11.G.Purushothaman

12.K.K.Dinesh Kumar

13.A.K.Sivasubramaniam

14.S.Mohamed Faisal

15.D.Sakthivel

16.S.Arun

17.P.Kumaresan

18.R.Ramesh

[Respondents 7 to 18 were impleaded as per order of this court dated 22.12.2021 in W.M.P.(MD)No.18114 of 2021 in W.P.(MD) No.3949 of 2021]

19.Ganesh M

[19th respondent was impleaded as per order of this court dated 08.04.2022 in W.M.P.(MD)No.4214 of 2022 in W.P.(MD) No.3949 of 2021]

20.Nantha Kumar.S.

[20th respondent was impleaded as per order of this court dated 08.04.2022 in W.M.P.(MD)No.4217 of 2022 in W.P.(MD) No.3949 of 2021]



W.P.No.7622 of 2023, C.C. Bench

21.Razeen Ahamed S.M.

[21st respondent was impleaded as per order of this court dated 08.04.2022 in W.M.P.(MD)No.4218 of 2022 in W.P.(MD) No.3949 of 2021]

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..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Declaration declaring the Selection Process of candidates to the post of Assistant Electrical Inspector in Tamilnadu Electrical Inspectorate Service, 2018-2019 under Notification No.18/2019 dated 29.05.2019, issued by the 1st respondent, Tamilnadu Public Service Commission as having been done in violation of the qualification criteria as mentioned in The Qualifications, Powers and Functions of Chief Electoral Inspector and Electrical Inspectors and in such notification as well as the Tamilnadu Electrical Inspectorate Service Special Rules 1981 and to direct the respondents to appoint the Petitioner to the post of Assistant Electrical Inspector in Tamilnadu Electrical Inspectorate Service, 2018-2019.

<i>For Petitioner</i>	: <i>Mr.D.Prabhu Mukunth Arunkumar for Mr.Dilip Kumar N.</i>
<i>For Respondent (s)</i>	: <i>Mr.I.Abrar Md. Abdullah, Standing Counsel for R1 Mr.R.Neelakandan, Addl. Advocate General Assisted by Mr.P.Baladhandayutham, Spl. Government Pleader & Ms.M.Keerthika, Government Advocate for RR2 & 3 Mr.C.Venkatesh Kumar for M/s.Ajmal Associates for RR4 to 6 Mr.K.M.Vijayan, Senior Counsel for Mr.D.Kirubakaran for RR7 to 18 Mr.S.Namasivayam for RR19 to 21</i>



W.P.No.7622 of 2023, C.C. Bench

W.P.(MD) No.9732 of 2021

D.Sudalaikannu

..... Petitioner

-Versus-

1. The Tamil Nadu Public Service Commission,
Rep. by its Chairman,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600 003.
2. The Secretary to Government,
Energy Department,
Fort St. George, Chennai 600 009.
3. The Tamil Nadu Electrical Inspectorate Service,
Rep. by its Chief Electrical Inspector,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai.
4. D.Rangaraj
5. K.Mohan Kumara Mangalam

[Respondents 4 & 5 were impleaded as per order of this court dated 22.12.2021 in W.M.P.(MD) No.16746 of 2021 in W.P.(MD) No.9732 of 2021]

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Declaration declaring the selection process of candidates to the post of Assistant Electrical Inspection in Tamil Nadu Electrical Inspectorate Service, 2018-2019 under Notification No.18/2019 dated 29.05.2019, issued by the 1st respondent, Tamil Nadu



W.P.No.7622 of 2023, C.C. Bench

Public Service Commission as having been done in violation of the qualification criteria in such notification as well as the Special Rules for Tamil Nadu Electrical Inspectorate Service, 1981 read with G.O.Ms.No.59 Energy (D2) dated 14.08.2014 and to direct the respondents to appoint the petitioner in the post of Assistant Electrical Inspector in Tamil Nadu Electrical Inspectorate Service, 2018-2019.

For Petitioner : *Mr.D.Prabhu Mukunth Arunkumar for
Mr.Dilip Kumar N.*

For Respondent (s) : *Mr.I.Abrar Md. Abdullah,
Standing Counsel for R1
Mr.R.Neelakandan,
Addl. Advocate General
Assisted by
Mr.Baladhandayutham,
Special Government Pleader and
Ms.M.Keerthika, Government
Advocate for RR2 & 3
Mr.C.Venkateshkumar for
M/s.Ajmal Associates for RR4 & 5*

COMMON ORDER



W.P.No.7622 of 2023, etc. dated

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(i) **W.P.No.7622 of 2023** has been filed by two of the selected candidates, who have been provisionally selected for direct recruitment to the post of Assistant Electrical Inspector pursuant to Notification No.18 / 2019, dated 29.05.2019 as per the letter of the 3rd respondent dated 26.08.2021, seeking a writ in the nature of mandamus directing the 3rd respondent to recommend to the 1st respondent for issuance of appointment orders to the respective petitioners and consequently forbear the respondents 1 and 2 from appointing any candidate to the post of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate Service pursuant to Notification No.10/2022 dated 04.04.2022 till such time the respondents issue appointment orders to the petitioners.

(ii) **W.P.No.17950 of 2021 and W.P.No.17952 of 2021** have been filed seeking a writ of declaration declaring that the respective petitioner is eligible for appointment to the post of Assistant Electrical Inspector included in the Combined Engineering Services Examination, 2019 as per the eligibility condition prescribed under Notification No.18/2019 dated 29.05.2019 issued by the respondent-TNPSC.

(iii) **W.P.No.18010 of 2021** has been filed challenging the Note of Observation made by the TNPSC at the end of the mark list said to be published in its website on 25.02.2021 stating that the petitioner – P.Anbarasan (Register No. 070005277) had not



reached the zone of selection for the posts of Assistant Engineer (Electrical) and Assistant Director of Industrial Safety & Health and is also not considered for further selection process for the post of Assistant Electrical Inspector as his experience certificate had not been accepted by the HOD / as he had possessed insufficient experience and seeking a consequential direction to the 1st respondent to reserve one post Assistant Electrical Inspector under MBC category for the petitioner.

(iv) **W.P.(MD) No.417 of 2020, W.P.(MD) No.3949 of 2021 & W.P.(MD) No.9732 of 2021** have been filed by three of the unselected candidates individually challenging provisional selection of the private respondents in the respective writ petitions to the oral test for the post of Assistant Electrical Inspector in Tamil Nadu Electrical Inspectorate Service, 2018-19, Assistant Engineer (Electrical), PWD in Tamil Nadu Engineering Service, 2018-19 and Assistant Director of Industrial Safety and Health in Tamil Nadu Factory Service, 2018-2019 and seeking a consequential direction to the respondents 1 & 2 to conduct oral test to the respective petitioner, select and appoint them in the post of Assistant Electrical Inspector in the Tamil Nadu Electrical Inspectorate Service or Assistant Engineer (Electrical) PWD or Assistant Director of Industrial Safety and Health based on the marks secured by them in the written examination in the event if they come within the zone of consideration.



W.P.No.7622 of 2023, C.C. Bench

(v) **W.P.(MD) No.3572 of 2021 & W.P.(MD) No.3652 of 2021** have been filed by two of the unselected candidates challenging their non-selection for oral interview (Phase-II) for the post of Assistant Electrical Inspector or Assistant engineer (Electrical) PWD, or Assistant Director of Industrial Safety and Health, in particular, list of candidates for oral interview [impugned notification dated 09.02.2021] and seeking a consequential direction to the respondents 1 and 2 to invite the petitioner to the oral test proposed to be conducted on 25.02.2021 FN at the office of the Tamil Nadu Public Service Commission for the posts referred to above based on the marks secured by the petitioner in the written examination.

(vi) **W.P.No.29045 of 2022** has been filed by four of the candidates, who have been provisionally selected for direct recruitment to the post of Assistant Electrical Inspector pursuant to Notification No.18 / 2019, dated 29.05.2019 as per the letter of the 3rd respondent dated 26.08.2021, seeking a writ in the nature of mandamus directing the 3rd respondent to recommend to the 1st respondent for issuance of appointment orders to the respective petitioners.

2. Let this court now cull-out the pleadings of either party in brief in the writ petitions one after another.

W.P.No.7622 of 2023:



2.1. The petitioners 1 & 2 herein applied for the posts of Assistant Electrical Inspector, Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health. They came out successfully in the written examinations conducted on 10.08.2019 & 25.08.2019. The TNPSC published a list of candidates with their register numbers who have been provisionally admitted to Certificate Verification for posts notified on 13.11.2019. Accordingly, the petitioners uploaded their certificates. Thereafter, on 19.12.2019, the TNPSC released a list of registered numbers calling for the phase 1 oral test from 3.1.2020 and 28.01.2020 and the petitioner registered number were included in the said list and were directed to attend the oral test.

2.2. Based on the oral test, the 3rd Respondent had issued a notification dated 07.02.2020 stating that due to the paucity of eligible candidates for the post of Assistant Electrical Inspector, Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health the marks obtained by the candidates in written examination and Oral test for those posts will be published after completion of Phase-II Oral test.

2.3. After conducting the second oral test on 25.02.2021, the details of the marks obtained by the candidates in the written examinations and oral test were published.

2.4. The 1st petitioner Manimaran R. with register number 030009082 secured 298.25 marks in both written examinations and oral test and was placed at Sl.No.85 in



the ranking position while the other petitioner Purushothaman G. with register number 090002372 secured 338.50 marks both in written examination and oral test and was placed at Sl.No.67 in the ranking position. Subsequently both of them have been appointed provisionally by memorandum dated 26.08.2021.

2.5. While so, on 22.09.2021, the 3rd Respondent released a list of candidates selected provisionally for appointment by direct recruitment to the post Nos. 1, 5 and 6 in notification dated 29.05.2019. The petitioners were informed by the 3rd respondent that they were provisionally selected for appointment by direct recruitment but no appointment orders were issued.

2.6. The post of Junior Electrical Inspector is the feeder category to the post of Assistant Electrical Inspector for which the Petitioners have been selected provisionally for appointment vide Selection Memorandum dated 26.08.2021. The petitioner awaiting appointment orders for the post of Assistant electrical Inspector included in the Combined Engineering services Examination 2008-2020 will result in the juniors of the Petitioners currently in the post of Junior Electrical Inspector being promoted prior to the Petitioners thereby causing irreparable hardship to the Petitioners.

2.7. The appointment orders have not been issued till date to the petitioners in



spite of the interim order passed by the Hon'ble court on 08.04.2022 and the final result being published on 22.09.2021. While that being so, if the TNPSC issues appointment orders for The Combined Engineering Services Examination conducted in 2022, for the vacancies of the year 2021-2022, the juniors to the petitioners will become senior in service. Hence, this writ petition.

W.P.No.29045 of 2022:-

3.1. The 1st petitioner has qualified B.E., Electrical and Electronics Engineering from Karaikudi Alagappa Chettiar College of Engineering and Technology in 1994 and also qualified M.E., Control and Instrumentation from College of Engineering, Guindy, Chennai (Anna University) in 2003. Between 1996 and December 2018 he gained work experience by working in various industries.

3.2. The 2nd petitioner has qualified BE Electrical and Electronics Engineering from Bargur Government College of Engineering in 2006 and also qualified M.E., Power System Engineering from Thiagarajar College of Engineering, Madurai in 2008. From 2013 to till date 2014, he has been working in Southern Railway, Madurai as Senior Section Engineer(SSE).

3.3. The 3rd petitioner has qualified B.E., Electrical and Electronics Engineering from Tirunelveli PSN College of Engineering and Technology in 2011 and has also



qualified M.E., Power System Engineering from College of Engineering, Guindy, Chennai (Anna University) in 2013. From 2013 to till date 3rd Petitioner is working in Southern Railway, Tambaram, Chennai.

3.4. The 4th petitioner has qualified B.E., Electrical and Electronics Engineering from Nagapattinam EGS Pillai Engineering College in 2009. From 2012 to 2017, he had been working for Southern Railway and from 2017 to till date he has been working in TANGEDCO as Assistant Engineer.

3.5. Pursuant to notification, the Petitioners applied for the posts (1) Assistant Electrical Inspector, (2) Assistant Engineer (Electrical) (PWD) and Assistant Director of Industrial Safety and Health (Formerly known as Assistant Inspector of Factories).

3.6. The 3rd Respondent conducted written examinations on 10.08.2019 & candidates who have been provisionally admitted to certificate Verification for all the posts included in the Combined Engineering Services Examination based on the results of the written examinations conducted by the TNPSC. The Petitioners 1, 3 and 4 with register numbers 010046079, 010051161 and 110003069 were included in the said list and they also uploaded all the relevant certificates online on 28.11.2019.

3.7. On 19.12.2019 the Controller of Examination published a list of register



numbers of candidates calling for oral test (LIST-OT) from 03-01-2020 to 28-01-2020

based on the Phase-I of certificate verification in the ratio of 1:2/ 1:3. The petitioners 1, 3 and 4 were included in the said list. On 03.01.2020 oral interview was conducted for the petitioners 1, 3 and 4 and later on counselling was also held and results were published on 12.02.2020.

3.8. The TNPSC issued an announcement dated 07-02-2020 that due to paucity of eligible candidates for the posts the marks obtained by the candidates both in the Written examination and oral test will be published after competition of oral test and dates for the Phase II Oral Test would be intimated soon. Hence publication of results for 51 vacancies was postponed.

3.9. On 09.02.2021, another list was published in which the name of the 2nd petitioner with register No. 100014091 was included and the 2nd petitioner, accordingly, uploaded all the relevant certificates through online on 30.10.2020.

3.10. On 25.02.2021 the Respondent released the details of the marks obtained by the candidates. The 1st petitioner had secured 275 in the written exam and 47.25 in oral test totalling 322.25 marks and he was ranked at Sl.No.74. The 2nd petitioner was ranked at Sl.No.78, 3rd petitioner was ranked at Sl.No.44 and 4th petitioner was ranked at Sl.No.66. On 22.09.2021, final list was published by the TNPSC and name of the



W.P.No.7622 of 2023, C.C. Bench

petitioners 1 to 4 were found in the list of candidates but they have not been given appointment till date. Hence the writ for Mandamus.

W.P.No.17950 of 2021:

4.1. Pursuant to the Notification No. 18/2019 dated 29.5.2019 issued by the respondent inviting applications from eligible candidates for direct recruitment to the posts of Assistant Electrical Inspector, Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety and Health etc. included in the Combined Engineering Services Examination 2019, on 11.6.2019, the petitioner applied and participated in the selection process. He came out successfully in the written examinations. Accordingly, he was admitted provisionally for certificate verification by the TNPSC by its memorandum dated 14.11.2019. He uploaded two experience certificates dated 18.11.2019 and 25.11.2019, out of which one is not in the format prescribed by the respondent-TNPSC. By relaxing the requirement of experience certificate in the prescribed format, he was admitted provisionally to Oral Test (Interview) vide a memorandum dated 26.12.2019 of the respondent-TNPSC. After the oral test, a statement of marks was published and in the said list, the register numbers of those candidates who have not reached the zone of selection were also published. The register number of the petitioner was not found in the said list.



W.P.No.7622 of 2023, C.C. Bench

4.2. When that be so, the TNPSC has on 13.8.2021 published the ranking list for the said three posts in which the register number of the petitioner was placed at Sl.No.70 in the ranking position. However, in the said list, the petitioner was shown to be eligible only for the posts viz. Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety and Health and he has not been considered for the post of Assistant Electrical Inspector. Hence the writ petition has been filed to declare the petitioner as eligible for the post of Assistant Electrical Inspector.

W.P.No.17952 of 2021:-

5. The grievance expressed by the petitioner is similar to that of the petitioner in W.P.No.17950 of 2021. Therefore, this court does not want to burden this order by recapitulating the facts once again separately.

W.P.No.18010 of 2021:

6.1. The petitioner has qualified B.E. (Electrical and Electronics Engineering) with first class. He also completed apprenticeship training in Neyveli Lignite Corporation Ltd. (NLC) from 21.05.2007 to 20.05.2008. He was issued with a Certificate of Proficiency and Graduate Apprenticeship Training Certificate exclusive in Mine-I & IA and Thermal Power Unit, Station-II.



6.2. He worked as Electrical Engineer for Inductotherm India Private Limited and gained practical experience in large electrical power supply from 10.08.2008 to 31.05.2013. He was issued with an experience certificate. Thereafter, he joined M/s.Brakes India Private Limited as Senior Engineer and worked there from 09.03.2015 to 26.06.2018 in general format and thereafter, from 09.03.2015 to 31.12.2019 in the format prescribed by the 1st respondent and was looking after maintenance of transformer generator, circuit breaker and power component (HT Service No.1235). M/s. Brakes India Private Limited Unit II, which is a Foundry Division, comes under extra high voltage consumer with High Tension (HT) service No.1235 and incoming supply of 110 KV.

6.3. Pursuant to the notification issued by the TNPSC , the petitioner applied for the posts and participated in the selection process. His register Number is 070005277. He came out successfully in the written examination held on 10.08.2019 and, therefore, he was called for oral interview on 03.01.2020. He had experience of 4 years 2 months in M/s.Brakes India Private Limited Foundry Division - II, which is having HT Service No.1235 for maintenance of power transformers, furnace transformers and induction furnaces.

6.4. The 1st Respondent held that the petitioner possessed insufficient experience



and therefore he was not called for counselling which was scheduled to be conducted on 26.08.2021. His marks were also not disclosed due to insufficient experience certificates. As such, aggrieved by publication of list of marks obtained by the other candidates, the petitioner has come up with the present writ petition.

W.P.MD)No.417 of 2020:

7.1. The petitioner has qualified B.E. (Electrical and Electronics Engineering) in 2005 and M.E. (Applied Electronics) in 2009. He also obtained the required experience of three years.

7.2. Pursuant to the notification issued by the TNPSC, he applied and participated in the selection process. He came out successfully in the written examination held on 10.08.2019. Thereafter, based on the marks obtained in the written examination, his name was short-listed for Certificate Verification though marks obtained by him was not disclosed and he was directed to upload the scanned original certificates. He accordingly uploaded all the certificates in support of his claim made in the application. While so, the TNPSC published another list of candidates on 19.12.2019, in which, 31 candidates, whose names were not even short-listed earlier for the certificate verification, were included and the petitioner's register number 260010045 did not find a place in the latter list and the petitioner roll number 260010045 is shown in the list of



W.P.No.7622 of 2023, C.C. Bench

candidates who have not reached the zone of consideration for provisional admission to oral test in the ratio of 1:2 / 1:3.

7.3. Though the notification categorically prescribed that the applications of the candidates who do not submit their documents within stipulated time limit will be rejected, very strangely 31 candidates have been short-listed for the oral test who were not even called for certificate verification earlier and who have not uploaded their certificates within the stipulated time period i.e. on or before 29.11.2019.

7.4. The respondents are duty bound to include the petitioner for the oral test which was scheduled to be conducted on 03.01.2020 and 04.01.2020. If the petitioner's name was not included for the oral test being a BC (women) she would be deprived of selection despite scoring high marks in the written examination. The petitioner has also sent a detailed representation to the respondents requesting to include her for the oral test on 27.12.2019. She has also sent a email to the grievance cell of the respondents. But the same has not been considered. Hence the writ petition for declaration.

W.P.(MD) No.3949 of 2021:

8.1. The petitioner belongs to the Most Backward Class Denotified Community. He is a qualified Electrical Engineer and a certified Chartered Engineer since



W.P.No.7622 of 2023, C.A. 6408

22.04.2016. He is also an Approved Valuer for Machinery and Plant since 06.06.2016.

He worked for various Spinning Mills in Tamil Nadu from 2001 till 2005 as an Electrical Engineer. Tamil Nadu Electrical Licensing Board had issued him Eg .Grade Electrical Contractor's License on 18.03.2019 and Certificate of Competency for Electrical Supervisor since 01.09.1994. He is empanelled in the Panel of Values of Plant and Machinery with City Union Bank, Canara Bank and TMB.

8.2. Pursuant to the employment notification issued by the TNPSC dated 29.05.2019 inviting applications from eligible candidates for direct recruitment to post Assistant Electrical Inspector, the petitioner applied and participated in the selection process. He came out successfully in the written examination. The rank list of the candidates with resultant marks was not published rather the TNPSC published a notification dated 19.12.2019, inviting 51 candidates against vacancies in all the three Different posts viz (i) Assistant Electrical Inspector, (ii) Assistant Engineer (Electrical), PWD, (iii) Assistant Director of Industrial Safety and Health (Formerly known as Assistant Inspector of Factories).

8.3. Though the petitioner was invited for certificate verification at phase -I, he was not considered for being invited to the Oral Test (phase -I). No Reason whatsoever was assigned by the TNPSC. On verification it was informed by the 2nd Respondent



Energy Department that since there were no large electricity supply undertakings, they have now evolved a method of assessing the experience of the respective candidates on the basis of the criteria newly evolved. It was also informed that the 3rd respondent will assess the Experience of respective candidates. He is fully qualified for the post of Assistant Electrical Inspector as per the Central Government Rules, 2006 and as per G.O.Ms.No.59 Energy (D2) dated 14.08.2014 as he possessed work experience of 17 years in mechanism up to 22 kv in High Voltage (HV) and also Extra High Voltage (EHV) mechanism.

8.4 The Respondents should have either amended the service rules Before Publishing The recruitment notification No.18/2019 dated 29.05.2019 or should have described in the recruitment Notification No.18/2019 dated 29.05.2019 about the newly evolved mechanism which prescribed a different experience criteria. The Respondents Should have strictly followed G.O.Ms.No.59 Energy (D2) dated 14.08.2014 Scrupulously.

8.5 The petitioner sent a representation to the respondents in this regard on 20.02.2021. In view of the urgency involved, the petitioner no other option except to approach this court as the TNPSC may complete the selection process in the meanwhile.



W.P.(MD) No.9732 of 2021:

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9.1. The petitioner has qualified B.E. (Electrical and Electronics Engineering) with First Class from Anna University. He became a qualified Electrical Engineer and he was awarded with Competency Certificate for Electrical Supervisor since 05.03.2015.

9.2. The Government of Tamil Nadu as the Appropriate Government vide G.O.Ms.No.59 Energy (D2) Dated 14.08.2014, has notified the appointment of Chief Electrical Inspector to Government, the Senior Electrical Inspectors, Electrical Inspectors and Assistant Electrical Inspector of the Tamil Nadu Electrical Inspectorate to be the Electrical Inspectors to exercise the powers and perform the functions Specified there under. Thus the post of Assistant Electrical Inspector has also been constituted as an Electrical Inspector.

9.3. Recently the TNPSC published a recruitment notification dated 29.05.2019 inviting applications from eligible candidates for direct recruitment to the Post of Assistant Electrical Inspector and various other posts. The petitioner applied for the posts included in the Combined Engineering Services Examination – 2019 as per recruitment notification and appeared for the written examination. The rank list of the candidates with resultant marks was not published rather the TNPSC, published a



notification dated 19.12.2019, inviting 51 number of candidates against vacancies in all the three different posts viz., (i) Assistant Electrical Inspector, (ii) Assistant Engineer (Electrical), PWD, and (iii) Assistant Director of Industrial Safety and Health (Formerly known as Assistant Inspector of Factories.

9.4. On verification it was informed by the 2nd Respondent Energy Department that since there were no large electricity supply undertakings, they have now evolved a method of assessing the experience of the respective candidates on the basis of the criteria newly evolved. It was also informed that the 3rd respondent will assess the Experience of respective candidates. He is fully qualified for the post of Assistant Electrical Inspector as per the Central Government Rules, 2006 and as per G.O.Ms.No.59 Energy (D2) dated 14.08.2014 as he is having working experience of 17 years in mechanism up to 22 kv in High Voltage (HV) and also Extra High Voltage (EHV) mechanism. This is contrary to the recruitment Notification. The respondents changed the rules of the game after the game has started. The petitioner is fully qualified for the post of Assistant Electrical Inspector as Per G.O.Ms.No.59 Energy (D2) dated 14.08.2014 as she had sufficient experience in High Voltage (HV) and Medium Voltage (MV) service and possessed more experience in Extra High Voltage (EHV) service mechanism.



9.5. The Respondents should have either amended the service rules before publishing the recruitment notification No.18/2019 dated 29.05.2019 or should have described in the recruitment Notification No.18/2019 dated 29.05.2019 about the newly evolved mechanism which prescribed a different experience criteria. The respondents should have scrupulously followed G.O.Ms.No.59 Energy (D2) dated 14.08.2014.

9.6. In the reply dated 09.04.2021 made to the application of the petitioner dated 17.02.2021 seeking information under the Right to Information Act, the 1st respondent confirmed the anomaly in the notification, fixing qualification of the Assistant Electrical Inspector, as there was no such Large Electricity Supply Undertakings in State of Tamil Nadu. The petitioner also sent a representation to the respondents in this regard on 17.02.2021 which was not considered and the same was transferred to the 3rd respondent. In view of the urgency involved, the petitioner had no other option except to approach this court as the TNPSC may complete the selection process in the meanwhile.

W.P.(MD)No.3572 of 2021:

10. The petitioner herein is the petitioner in W.P.(MD) No.417 of 2020. Hence, pleadings are not necessary.

W.P.(MD) 3652 of 2021:



11.1. The petitioner has qualified Diploma in Electronic and Communication Engineering in 2001 and thereafter qualified B.E. (Electrical and Electronics Engineering) in 2008 and M.E. (Applied Electronics) in 2011. He also obtained the required experience of three years.

11.2. Pursuant to the notification issued by the TNPSC for filling up various posts, he applied and participated in the selection process. He came out successfully in the written examination held on 10.08.2019. He did the written examination well and was with a fond hope that he would be called for certificate verification. But, he was not called for certificate verification. However, on 07.02.2020 stating that due to paucity of eligible candidates, the marks obtained by the candidates both in the written examination and in the oral test for the said posts will be published after completion of Phae-II oral tests. On 16.03.2020, the TNPSC, accordingly, published a notification stating that 12 candidates absented themselves and experience of 16 candidates had not been accepted, it was decided to admit the candidates to the next phase of certificate verification in the ratio of 1:5 against the resultant vacancies for the posts and invited 140 candidates including the petitioner. On 02.12.2020, the TNPSC issued another notification to conduct another round of certificate verification (Phase-III) stating that during Phase-II of certificate verification 25 candidates did not upload their certificates



W.P.No.7622 of 2023, etc. dated

and 3 were rejected for various reasons and experience of 97 candidates had not been accepted and therefore, it was decided to admit the remaining candidates who have claimed that they had possessed the experience prescribed for the posts. Accordingly, the TNPSC invited 812 candidates for Phase-III of certificate verification without exhausting the list of candidates available in the Phase-II of certificate verification in which the name of the petitioner was found. Hence, the writ petition.

12.0. The stand of the Tamil Nadu Public Service Commission (in short “the TNPSC”), the Secretary to Government, Energy Department and Chief Electrical Inspector to Government, as culled out from the counter affidavit(s) filed by them in some of the writ petitions are :-

W.P.(MD) No.3949 of 2021

12.1. The writ petition is not maintainable as against the Chairman of the TNPSC in view of Rule 17 of the Rules of Procedure of the Tamil Nadu Public Service Commission.

12.2. The petitioner in W.P.(MD) No.3949 of 2021 having applied to the posts by accepting the notification, cannot, now, challenge the same and therefore the writ petition is liable to be dismissed at its threshold. The recruitment notification was issued in terms of the recruitment rules (special rules) prescribed by the appointing authority



and the TNPSC is only a recruiting agency to select the persons by holding competitive examinations as per the selection criteria prescribed by the appointing authority such as educational, technical and experience.

12.3. The lists of candidates selected provisionally for admission to certificate verification (Phase-I) and Oral Test were hosted on the commission's official website on 13.11.2019 and 19.12.2019 respectively and 1494 candidates were admitted provisionally for on-screen certificate verification and they were directed to upload the necessary documents for certificate verification from 20.11.2019 to 29.11.2019 through e-seva centre. Accordingly, on screen certificate verification was held from 05.12.2019 to 09.12.2019. After completion of the certificate verification, list of 1497 candidates (including newly added 62 candidates admitted to certificate verification and oral test) were admitted to oral test (phase-I) from 03.01.2020 to 28.01.2020. After Phase-I of oral test, due to paucity of eligible candidates for the posts of Assistant Electrical Inspector (AEI), Assistant Engineer-Electrical (AEE) and Assistant Director of Industrial Safety and Health (ADISH) included in the Combined Engineering Services Examination, selection for the said posts alone could not be finalized. Therefore, in order to satisfy the oral test ratio, additional 140 candidates have been selected provisionally for certificate verification Phase-II at 1:5 ratio for the above said posts



and the list was hosted on 16.03.2020 on the commission's website. The petitioner was provisionally selected to upload documents for certificate verification Phase-II for the post of Electrical Inspector under MBC category.

12.4. The Head of Department which was required to verify the experience certificate of all the candidates including the petitioner, insofar as the petitioner-B.Sivakumar is concerned had offered the remark “Not suitable - Not possessing requisite experience” and therefore, the petitioner was not considered for the post of Assistant Electrical Inspector, however, he was found eligible to be considered for the two other posts (i) Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health. While considering the petitioner for the posts of AEE & ADISH 328 and 875 candidates respectively belonging to MBC/DC category were available above the petitioner in the rank list and the petitioner did not reach the zone of consideration for admission to oral test (Phase-II) which was held on 25.02.2021 for the posts of AEE & ADISH. It is contended by the TNPSC that 19 candidates among 22 candidates mentioned by the petitioner were certified to be suitable for the post by the Head of Department based on verification of experience certificate submitted by the candidates.

W.P.Nos.17950, 17952 and 18010 of 2021

13.1. The TNPSC while opposing the writ petitions inter alia contended that as



far as the posts of Assistant Electrical Inspector (AEI), Assistant Engineer-Electrical (AEE), PWD and Assistant Director of Industrial Safety and Health (ADISH), oral test was conducted on 03.01.2020 and 04.01.2020 and mark list (CML) was published on 25.02.2021. Thereafter 116 candidates were short-listed for counselling for 51 vacancies against the posts of AEI, AEE (PWD) and ADISH and the same was published on 13.08.2021. The counselling was held on 26.08.2021. During certificate verification for the post of AEI, as the experience of the petitioners Gunadevan (Register No.200004009) and Sheik Fareed (Register No.060007094) was not in accordance with the notification, the same was not accepted by the Chief Electrical Inspector to Government (HOD) and they were found to be not suitable. However, they were called for oral test for other posts viz., AEE, PWD and ADISH. As they were within the zone for counselling for the posts of AEE (PWD) and ADISH and subsequently rank list was uploaded on 13.08.2021 indicating the post to which they are eligible. The counselling was done as per single rank list for the three posts based on choices exercised by the candidates and as per the reservation roster.

13.2. Insofar as the petitioner-P.Anbarasan is concerned he was the one among 62 candidates who were directly admitted for certificate verification/oral test in order to satisfy 1:2 / 1: 3 ratio for oral test. He was also found to be not suitable for the post of



AEI as the experience gained by him was not accepted by the HOD. Further, he did not reach the zone of consideration for the other two posts viz, AEE (PWD) and ADISH.

Thereafter, CML of the candidates was published on 25.02.2021 wherein it was intimated that Register No.070005277 (P.Anbarasan) did not reach the zone of consideration for selection for the post of AEEE and ADISH and was also not considered for the post of AEI as his experience certificate was not accepted by the HOD.

13.3. Merely because the petitioners took the written examination and participated in the oral test do not confer them any right to claim that they satisfied the eligibility criteria prescribed in the recruitment notification.

13.4. The verification of experience certificates was done by the domain experts and the decision of the experts cannot be termed as perverse. There is no specific allegation of mala fide against the respondents.

W.P.No.3652 of 2021

14.1. The petitioner-S.Jamuna Rani (Register No.290005021) was short-listed for Phase-II of certificate verification for the post of Electrical Inspector, Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health only



W.P.No.7622 of 2023, C.C. Bench

(Certificate Verification List-II dated 16.03.2020) and after certificate verification, it was found that 97 candidates including the petitioner did not possess the required experience for the post of Assistant Electrical Inspector. The petitioner was found to be not suitable (not possessing requisite experience) by the HOD. The petitioner and 96 others were however found eligible for the post of Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health. There were 1503 and 898 candidates respectively belonging to BC (Women) category available for the said two posts. The petitioner did not reach the zone of consideration for admission to oral test (Phase-II) held on 25.02.2021.

14.2. Pursuant to the interim order of this court dated 24.02.2021 made in the writ petition filed by the petitioner-S.Jamuna Rani in W.P.(MD) No.3652 of 2021 and W.M.P.(MD) No.2953 of 2021, the TNPSC admitted the petitioner for oral test on 25.02.2021 and her result has been withheld subject to the final orders in the writ petition. The petitioner who is less meritorious cannot be considered to the post of either Assistant Engineer (Electrical) or Assistant Director of Industrial Safety and Health. For the post of Assistant Electrical Inspector she was not considered for further selection as she did not possess the prescribed experience.

W.P.No.9732 of 2021:



15. The TNPSC while opposing the writ petition inter alia contended that the petitioner was selected provisionally for certificate verification (Phase-II) under SC category for the post of Assistant Electrical Inspector on 16.03.2020. He was not considered for the post as he was not having requisite experience, however he was found eligible to be considered for the other posts (i) Assistant Engineer (Electrical) and (ii) Assistant Director of Industrial Safety and Health. Yet, the petitioner did not come within the zone of consideration for admission to oral test (Phase-III) which was held on 25.02.2021 for the post of Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health. In view of the interim orders of this court dated 07.06.2021 appointments could not be made.

W.P.(MD) Nos.417 of 2020 & 3572 of 2021:

16.1. The TNPSC while opposing the writ petition inter alia contended that though the petitioner was provisionally selected for uploading the documents for certificate verification (Phase-I) for the post of Assistant Electrical Inspector, Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health, after verification of certificates, applications of 42 candidates were rejected and the applications of 27 candidates including the petitioner-S.Princee were found to be not eligible as they did not possess the requisite experience as prescribed in the notification,



however, they were found to be eligible for the two other posts viz., (i) Assistant Engineer (Electrical) and (ii) Assistant Director of Industrial Safety and Health. Hence, in the place of 27 candidates (absentees and rejected candidates), 62 candidates were called for certificate verification and oral test with a condition that they would be considered as eligible for oral test only if their claim is accepted after verification of original documents. However, the petitioner did not reach the zone of consideration for admission to oral test for the post of (i) Assistant Engineer (Electrical) and (ii) Assistant Director of Industrial Safety and Health.

16.2. It is further contended by the TNPSC after Phase-I of oral test, due to paucity of candidates selection for the posts of Assistant Electrical Inspector, Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health could not be finalized. Therefore, in order to satisfy the oral test ratio, additional 140 candidates were selected provisionally for Phase-II of certificate verification at 1:5 ratio for the above said three posts and the list was hosted on the commission's website on 16.03.2020. However, the petitioner did not reach the zone of consideration for admission to certificate verification (Phase-II). The petitioner was not considered for the post of Assistant Engineer (Electrical) and Assistant Director of Industrial Safety and Health as there were 135 and 149 candidates belonged to BC (Women) were



available above the petitioner in the ranking list. Hence, she was not selected for further certificate verification (Phase-III) and for oral test (Phase-II) held on 25.02.2021.

16.3. The experts from the HoD on verification of experience certificate of the petitioner found her not suitable for the post of Assistant Electrical Inspector as she was not having requisite experience as called for in the notification and as such was not considered for the said post.

16.4. Pursuant to the orders of the Madurai Bench of this Court dated 24.02.2021 in the writ petition filed by the petitioner-S.Princee in W.P.(MD) No.3572 of 2021 and W.M.P.(MD) NO.2899 of 2021, she was admitted to oral test conducted on 25.02.2021 and her result has been withheld subject to the final orders in the said writ petition.

W.P.(MD) No.3949 of 2021

17.1. The respondents 2 and 3 in W.P.(MD) No.3949 of 2021 filed their counter affidavit opposing the writ petition, reiterating the conditions prescribed in the notification with regard to educational qualification and experience and the relevant provision in the Electricity Act, 2003 governing appointment of Chief Electrical Inspector or Electrical Inspector.

17.2. Only on the request of the 1st respondent in their letter dated 16.09.2008, the 3rd respondent evolved the following three categories of installations to form basis for



practical experience of similar nature in the absence of large scale electricity supply undertakings:-

(i) Public Sector Undertakings, Departments and Organizations of State and Central Governments.

(ii) Extra High Voltage Consumers where complex nature of electrical installations and process equipments are handled.

(iii) ESA contractors employees, who involve in design, erection and commissioning of major projects involving EHV installations and power generating projects.

17.3. The above said evolution was done by the 3rd respondent only for the notification vide Advertisement NO.162/Post Code 1728 of the 1st respondent in respect of recruitment to the post of Assistant Electrical Inspector in 2008-2009 due to the acquisition of large electricity supply undertakings by the Tamil Nadu Electricity Board and no candidates naturally possessed such a practical experience except employees of Tamil Nadu Electricity Board, applied for the aforesaid recruitment. Hence, the contention of the petitioner that respondents 2 and 3 have now evolved a method of assessing the experience of the candidates as done in the recruitment process during the year 2008-09 is purely presupposition.



17.4. The qualification for selection of candidates to the post of Assistant Electrical Inspector through direct recruitment is governed by sub-rule (b) of rule 5 of Tamil Nadu Electrical Inspectorate Service Rules and not any other rules. The event of acquisition of large electricity supply undertakings viz., Municipal Electrical Undertakings by the Tamil Nadu Electricity Board in the year 1995 need not be connected to the present selection process as the sub-rule (b) of rule 5 is still prevailing and not amended. No new method of assessing the experience of the candidates was evolved. No rule was changed after the issuance of recruitment notification in particular in respect of filling up the post of Assistant Electrical Inspector. Utmost transparency and care are maintained while filling up the vacancies.

W.P.No.18010 of 2021

18. The 4th respondent in W.P.No.18010 of 2021 filed his counter affidavit opposing the writ petition, reiterating the conditions prescribed in the notification with regard to educational qualification and experience and the relevant provision in the Electricity Act, 2003 governing appointment of Chief Electrical Inspector or Electrical Inspector. The petitioner-P.Anbarasan was not considered for oral test as the experience certificate submitted by him was found to be insufficient. No new method of assessing the experience of the candidates was followed in the selection process.



19. This court has heard both sides.

20. The learned senior counsel and the learned counsel for the respective petitioners would submit that after having issued recruitment notification prescribing qualification and practical experience, new rules were followed by the respondents in respect of evaluation of practical experience of the candidates, who have successfully got through the written examination and who have within the zone of consideration for admission to certificate verification and thereafter for oral test based on the outcome of the certificate verification. The TNPSC evaluated the experience of the candidates based on the following set of new rules:-

(i) Public Sector Undertakings, Departments and Organizations of State and Central Governments.

(ii) Extra High Voltage Consumers where complex nature of electrical installations and process equipments are handled.

(iii) ESA contractors' employees, who involve in design, erection and commissioning of major projects involving EHV installations and power generating projects.

This is contrary to the eligibility criteria that were prescribed under the recruitment notification and the service rules which would amount to change of rules of the game



after the game had begun.

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21. The learned standing counsel for the TNPSC would, on the other hand, contend that they are only a recruiting agency and the practical experience of the candidates was verified only by the experts deputed by the Head of the user Department and the TNPSC had no role to play in that. There was no change in the rules relating to the eligibility criteria i.e., the practical experience and the practical experience was verified only based on the procedure evolved by the user department. This was the procedure that had been followed in the last recruitment process also. In the absence of large electricity supply undertakings, the employer had formulated the criteria for verification of practical experience into three categories.

22. This court has considered the rival submissions on the eligibility criteria and perused the records carefully.

23. The 1st respondent issued Notification No.18 of 2019 dated 29.05.2019 inviting applications from the eligible candidates only through online mode for direct recruitment to the various posts included in the Combined Engineering Services Examination (1) Assistant Electrical Inspector; (2) Assistant Engineer [Agricultural Engineering]; (3) Assistant Engineer (Civil) [Water Resources Department, PWD]; (4) Assistant Engineer (Civil) [Buildings, PWD]; (5) Assistant Engineer (Electrical)



[PWD]; (6) Assistant Director of Industrial Safety and Health [formerly known as Assistant Inspector of Factories]; (7) Assistant Engineer (Civil) [Highways Department]; (8) Assistant Engineer (Fisheries); (9) Assistant Engineer (Civil) [Maritime Board] and (10) Junior Architect.

24. There is no dispute regarding the educational qualification for direct recruitment to the posts of Assistant Electrical Inspector, Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety and Health which are subject matter in the writ petitions. The dispute is only with regard to eligibility criteria (practical experience) in respect of the post of Assistant Electrical Inspector. Therefore, this court is concerned only with respect to the eligibility criteria in respect of the post of Assistant Electrical Inspector.

25. Non-selection / rejection of the candidature of the unsuccessful petitioners is challenged mainly on the ground that the TNPSC had not followed the eligibility criteria prescribed in the notification based on the service rules and it had changed the rules after the publication of notification by evaluating its own procedure in direct contravention of the service rules for the post of Assistant Electrical Inspector.

26. Rule 5 (b) of The Special Rules for the Tamil Nadu Electrical Inspectorate Service (Section 9 in Volume II of the Madras Services Manual 1969) governing the



other qualification prescribes a degree in Electrical Engineering and the practical experience in large electricity supply undertakings or the Tamil Nadu Electricity Board including experience in design office for a period of not less than three years.

27. It is relevant to extract hereunder the educational qualification(s) prescribed in the notification under 4(B) to the extent it is relevant to the posts of Assistant Electrical Inspector (Sl.No.1), Assistant Engineer (Electrical) (PWD) (Sl.No.5) and Assistant Director of Industrial Safety and Health (Sl.No.6) :-

4(B) Educational Qualification (as as on 29.05.2019)

Sl. No.	Name of the Post	Qualification
1	Assistant Electrical Inspector	A Degree in Electrical Engineering of any University or Institution recognized by the University Grants Commission for the purpose of its grant And <u>Experience:</u> Must have had practical experience in large electricity supply undertakings or the Tamil Nadu Electricity Board including experience in design office for a period of not less than three years
2		



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W.P.No.7622 of 2023, C.A. 642/2023

3		
4		
5	Assistant Engineer (Electrical) Public Works Department	A degree in Electrical Engineering or Electronics and Communication Engineering OR A pass in Sections A and B of the Institution Examination with Electrical Engineering as a subject
6	Assistant Director of Industrial Safety and Health (Formerly known as Assistant Inspector of Factories)	A Degree in Mechanical or Production or Industrial or Electrical or Chemical Engineering or Textile Technology
7		
8		
9		
10		

28. Though the notification was issued for direct recruitment to fill up various posts included in the Combined Engineering Services Examination (CESE), the educational qualifications prescribed for the posts under the various services are different from one service to another in respect of sub-category of Bachelors degree in Engineering. The notification, as extracted supra, prescribes practical experience in Large Electricity Supply Undertakings or the Tamil Nadu Electricity Board including



experience in design office for a period of not less than three years. This is the qualification prescribed under the Special Rules for Tamil Nadu Electrical Inspectorate Service, 1981 for direct recruitment to the post of Assistant Electrical Inspector reissued under G.O.(Ms) No.1542, Public Works Department, dated 18.09.1981. This court has considered the eligibility criteria prescribed in the service rules for direct recruitment to the post of Assistant Electrical Inspector and the recruitment notification in respect of the post of Assistant Electrical Inspector and has not found any deviation between the eligibility criteria prescribed in service rules and in the recruitment notification for direct recruitment to the post of Assistant Electrical Inspector.

29. The Municipal Electrical Undertakings which were the large electricity supply undertaking were all said to have been acquired by the Tamil Nadu Electricity Board and as such, as of now, there is no municipal electrical undertakings and consequently, the scope for gaining practical experience in Large Electricity Supply undertakings has become restricted to the experience of Tamil Nadu Electricity Board Engineers alone. It is the specific stand of the TNPSC as well as the State and Chief Electrical Inspector that such method was adopted by the TNPSC during the last selection process for direct recruitment to the post of Assistant electrical Inspector in 2008-09. According to them, the object of bringing in such method is to ensure that if



none of the candidates possess such a practical experience, evaluation of the candidates would be done by the experts based on the similar nature of works by adopting specific criteria.

30. Thus, admittedly, as of now, there are no large electricity supply undertakings as mentioned in the service rules. The information furnished by the Appellate Authority/ Chief Electrical Inspector to Government, Guindy, Chennai, dated 09.04.2021 to one of the unsuccessful petitioners herein under the Right to Information Act, 2005, would also make the position clear that, as on date, there is no large electricity supply undertakings in the State of Tamil Nadu. Further under Letter No.6610/E1//2021 dated 10.05.2021, the Appellate Authority / Chief Electrical Inspector to Government, Guindy, Chennai, informed that large electricity supply undertakings were in existence until 2002.

31. It appears that, on the request of the TNPSC as early as in 2008 itself, the 3rd respondent - Chief Electrical Inspectorate had evolved certain categories of installation to form basis for practical experience of similar nature in the absence of Large Electricity Supply Undertakings. This was followed for the selection process in 2008-09 and the below mentioned categories of installations were taken as criteria to form the basis for practical experience of similar nature in the absence of large scale



electricity supply undertakings:-

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(i) Public Sector Undertakings, Departments and Organizations of State and Central Governments.

(ii) Extra High Voltage Consumers where complex nature of electrical installations and process equipments are handled.

(iii) ESA contractors employees, who involve in design, erection and commissioning of major projects involving EHV installations and power generating projects.

Accordingly, the practical experience of the candidates was verified by the experts adopting the above criteria.

32. It is the contention of the unsuccessful candidates that the TNPSC had changed the rules of the game after the play had begun by giving a complete go by to the eligibility condition prescribed in the recruitment notification and formulating categories of installations mentioned already to form basis for practical experience of similar nature in the place of large scale electricity supply undertakings, the TNPSC had proceeded further with the selection process.

33. On the contrary, it is the stand of the TNPSC, the procedure evolved for the verification of practical experience by the experts was followed in the last recruitment



process also and for the present selection process, based on the results of the written examinations, the candidates who had reached the zone of consideration for CV/OT were invited for the next stage of selection and such a method adopted by them only broadened the scope of practical experience, in particular, in the absence of large electricity supply undertakings and that cannot be said to be arbitrary.

34. In the case of *Tej Prakash Pathak v. Rajasthan High Court, (2013) 4 SCC 540: (2013) 2 SCC (L&S) 353* , the Supreme Court explained the ambit of the expression “changing the rules of the game” as under :-

“11. Those various cases deal with situations where the State sought to alter (1) the eligibility criteria of the candidates seeking employment, or (2) the method and manner of making the selection of the suitable candidates. The latter could be termed as the procedure adopted for the selection, such as, prescribing minimum cut-off marks to be secured by the candidates either in the written examination or viva voce as was done in *K. Manjusree v. State of A.P.* [*K. Manjusree v. State of A.P.*, (2008) 3 SCC 512 : (2008) 1 SCC (L&S) 841] or the present case or calling upon the candidates to undergo some test relevant to the nature of the employment (such as driving test as was in *Maharashtra SRTC v. Rajendra Bhimrao Mandve*[*Maharashtra SRTC v. Rajendra*



Bhimrao Mandve, (2001) 10 SCC 51 : 2002 SCC (L&S) 720].

.....
.....

15. No doubt it is a salutary principle not to permit the State or its instrumentalities to tinker with the “rules of the game” insofar as the prescription of eligibility criteria is concerned as was done in *C. Channabasavaih v. State of Mysore* [*C. Channabasavaih v. State of Mysore*, AIR 1965 SC 1293], etc. in order to avoid manipulation of the recruitment process and its results."

35. In the case of **State of Uttar Pradesh v. Karunesh Kumar** [2022 SCC OnLine SC 1706], the Supreme Court has held as under:-

"32. The respondents have also placed reliance on the decision of this Court in the case of ***K. Manjusree (supra)***. However, in our considered view, the facts of the aforesaid decision are quite different from the present case. A change was introduced for the first time after the entire process was over, based on the decision made by the Full Court *qua* the cut off. Secondly, it is not as if the private respondents were non-suited from participating in the recruitment process. The principle governing changing the rules of game would not have any application when the change is with respect to

selection process but not the qualification or eligibility. In other words, after the advertisement is made followed by an application by a candidate with further progress, a rule cannot be brought in, disqualifying him to participate in the selection process. It is only in such cases, the principle aforesaid will have an application or else it will hamper the power of the employer to recruit a person suitable for a job."

36. There is difference between the process and procedure. Process is a series of steps or actions taken to achieve a specific goal or outcome. Whereas procedure is a set of instructions for completing a single task or activity within a process. Procedures are specific and prescriptive, and they provide clear instructions on how to perform a task. Procedures are typically used to support processes by providing the specific steps that need to be followed to complete a task. The Procedure includes verification of suitability of a candidate to a particular post. The verification of practical experience in the field of Electrical Engineering could be done only by the expert in the field of Electrical Engineering. So, the TNPSC availed the assistance of the experts from the HoD.

37. In **N.T. Devin Katti v. Karnataka Public Service Commission, [(1990) 3 SCC 157]** it has been held by the Supreme Court that a candidate might not have a



vested right to the post, however, it could not be confused with a right to be considered in accordance with law. A law which enables a candidate to get a post cannot be changed to facilitate another group of persons, since the candidate acquires a vested right to be considered in accordance with law, as held by this Court. In the instant cases, the unsuccessful petitioners have not substantiated their claim by producing documents that they had obtained adequate practical experience from the large electricity supply undertakings or TNEB as prescribed in the recruitment notification. Whereas their experience was considered and based on the opinion of the experts, some of them were considered for admission to oral test and in some cases, based on the directions of the court, they were admitted for oral test. However, ultimately when their experience was not found suitable for the post, their candidature were rejected.

38. This court has carefully gone through the eligibility criteria and the mode / procedure evolved by the employer and adopted by the TNPSC in the selection process to have verified the practical experience of the candidates, who were provisionally admitted for certificate verification in different phases or admitted directly for certificate verification by the interim orders of the court. There have been three categories of installations evolved by the HoD to form basis for practical experience of similar nature in the absence of large-scale electricity supply undertakings. This court



has found no change either in the qualification or eligibility condition as put forth by the unsuccessful petitioners and the change was only with respect to the procedure for assessment of practical experience as, admittedly, there was no large electricity supply undertaking as prescribed in the service rules and the recruitment notification.

39. It is pertinent to note that the unsuccessful petitioners could not justify in any manner either the criteria were downgraded or upgraded deviating the service rules to favour any set of candidates. The practical experience as mandated under the service rules was maintained by formulating a procedure for evaluating the practical experience in a sense as there was, in fact, no large electricity supply undertakings and in a sense the experience in the installation categories evolved by the HoD were considered to be equivalent. This court does not perceive the procedure adopted by the TNPSC in respect of evaluation of practical experience to be the change in the selection process.

40. Further the unsuccessful petitioners could not have any grievance over the method or procedure adopted by the TNPSC for verification of practical experience in phased manner in order to admit the candidates for the oral test as it is within the domain of the recruiting agency to decide the mode and method of selection.

41. Though the process of certificate verification had taken place after the written examination based on the results, the experience of the candidates, those who had come



within the zone of consideration for admission to CV or who were admitted directly for CV/OT by the interim orders of this Court, were verified by the experts. Their cases were considered based on the fulfilment of eligibility conditions and the candidates whose practical experience was found not suitable by the experts were not considered for oral test for AEI, however, they were considered for the two other posts. In the present set of facts as narrated above, there is no question of change of rules of game so as to attract the proposition that rules of game cannot be changed after the game had begun. As held by the Supreme Court in case of **State of Uttar Pradesh v. Karunesh Kumar**, the principle of 'changing rules of the game' would not apply when the change is regarding selection process and not basic qualification.

42. Next coming to the suitability of the candidates for the post of Assistant Inspector Electrical is concerned, the fact remains that on the request made by the TNPSC, experts from the user department were deputed by the Chief Electrical Inspector to Government of Tamil Nadu for verification of experience certificates uploaded by the candidates on two different occasions. It could be seen from the reports that two set of experts were deputed for the purpose, one consisting of Mr.G.Josesph Arockiadoss, Senior Electrical Inspector (In charge), Coimbatore and Mr.D.Karthikeyan, Electrical Inspector, Chengalpattu and the other consisting of



W.P.No.7622 of 2023, C.E. Bench

Mr.P.Palani, Electrical Inspector Technical (Additional Charge), Office of the Chief Electrical Inspector to Government, Guindy, Chennai and Mr.B.Dhinakar Babu, Electrical Inspector, Office of the Chief Electrical Inspector to Government, Chennai-North Guindy, Chennai. The expert bodies had, accordingly, verified the experience certificate uploaded by the candidates for the post of Assistant Electrical Inspector on 09.12.2019 and 10.01.2020 respectively. The practical experience of the candidates were not verified by the user department directly and the same were done only by the TNPSC with the assistance of the persons in the user department, who have expertise in the field of electrical engineering.

43. For the sake of reference and easy understanding, the dates and events of the entire selection process, right from the notification till final results published to the extent they are relevant for deciding the present writ petitions are given in the following tabulation: -

Date	Events
29.05.2019	Notification No.18/2019 was issued
10.08.2019	Written Examinations
25.08.2019	Written Examinations
13.11.2019	Certificate Verification (CV)



Date	Events
09.12.2019	Certificate Verification was done by the Experts
19.12.2019	List-Oral Test (OT) (held on 03.01.2020 to 28.01.2020 – Except on 05.01.2020, 11.01.2020 to 19.01.2020 and 26.01.2020)
03.01.2020 & 04.01.2020	Oral Interview-I (OT-I)
10.01.2020	Certificate Verification was done by the Experts
16.03.2020	List-II for Certificate Verification (Phase-II of CV)
02.12.2020	List-IV for Certificate Verification (Phase-III of CV)
09.02.2021	List OT-II for Oral Test (Phase-II) (held on 25.02.2021)
25.02.2021	Oral Test Held (OT-II)
25.02.2021	Mark List Published
13.08.2021	Ranking List published
22.09.2021	Final Results (published on web site on 23.09.2021)

44. As per the recruitment notification issued by the 3rd respondent, vide Notification No.18/2019 dated 29.05.2019 invited eligible candidates to apply for Direct Recruitment to various posts in the combined Engineering Services, written examinations were held on 10.08.2019 & 25.08.2019 for various posts included in the Combined Engineering Services Examination. The details of recruitment to the extent it is relevant to decide the subject matter of issue will be extracted at the appropriate place in the latter part of this order.



W.P.No.7622 of 2023, C.C. Caten

45. It is seen from the records that a **list of candidates (List-I) was published on 13.11.2019** on the official website of the TNPSC which indicates the qualifying status of the candidates in the written examination held on 10.08.2019 & 25.08.2019 for various posts included in the Combined Engineering Services Examination. Based on the results in the written examinations, the candidates were provisionally admitted to certificate verification (CV). The status of the petitioners as per the above list (List-I) dated 13.11.2019 is as under:-

LIST –I

FOR CERTIFICATE VERIFICATION (CV-I)

DATED 13.11.2019

Sl. No.	Name of the Candidate / Writ Petition No.	Register Number	Provisionally admitted for CV LIST-I	Remark, if any
1	C.Gunadevan W.P.No.17952 of 2021	200004009	YES	
2	A.Sheik Fareed W.P.No.17950 of 2021	060007094	YES	
3	P.Anbarasan W.No.18010 of 2021	070005277	Not Admitted for CV	Subsequently admitted for CV/OT
4	D.Sudalaikannu W.P.(MD) No.9732 of 2021	260010056	Not Admitted for CV	Subsequently admitted for CV/OT



W.P.No.7622 of 2023, C.C. Bench

Sl. No.	Name of the Candidate / Writ Petition No.	Register Number	Provisionally admitted for CV LIST-I	Remark, if any
5	B.Sivakumar W.P.(MD) No.3949 of 2021	290005116	Not Admitted for CV	
6	S.Jamuna Rani W.P.(MD) No.3652 of 2021	290005021	Not Admitted for CV	Subsequently admitted for CV/OT
7	S.Prince W.P.(MD) No.3572 of 2021 & W.P.(MD) No.417 of 2020	260010045	YES	
8	D.Skathivel W.P.No.29045 of 2022	010046079	YES	
9	R.T.Sathiyakumar W.P.No.29045 of 2022	100014091	Not Admitted for CV	Subsequently admitted for CV/OT
10	A.Arul Anand W.P.No.29045 of 2022	010051161	YES	
11	S.Arun W.P.No.29045 of 2022	110003069	YES	
12	Manimaran R. W.P.No.7622 of 2023	030009082	Not Admitted for CV	Subsequently admitted for CV/OT
13	Purushothaman G. W.P.No.7622 of 2023	090002372	Not Admitted for CV	Subsequently admitted for CV/OT



W.P.No.7622 of 2023, C.A. 6428

46. As the practical experience of the petitioner in W.P.Nos.17952 & 17950 of 2022 was not accepted by the expert, they were not considered for the post of Assistant Electrical Inspector and they were called for the oral test in respect of the posts of Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety and Health. However, as they were not within the zone of consideration for selection to the posts of Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety, they were not considered for those posts also.

47. Pursuant to the above list for CV 13.11.2019, the TNPSC **published a list dated 19.12.2019** containing the register numbers of the candidates who were provisionally admitted to Oral Test (OT) in the ratio of 1: 2 / 1 :3 based on the outcome of the Phase-I of Certificate Verification and the OT was scheduled to be held from 03.01.2020 to 28.01.2020 (except 05.01.2020, 11.01.2020 to 19.01.2020 and 26.01.2020) at the office of the Tamil Nadu Public Service Commission, TNPSC Road, Chennai-600 003. This list also contains the register numbers of the candidates (65 Nos.) who were admitted for Certificate Verification (CV-II).

LIST FOR ORAL TEST (OT)
&
LIST FOR CERTIFICATE VERIFICATION (CV-II)
DATED 19.12.2019



W.P.No.7622 of 2023, etc. dated

Sl. No.	Name of the Candidate / Writ Petition No.	Register Number	Provisionally admitted for Oral Test (OT) OT List & OT-CV YES / NO	Remark, if any
1	P.Anbarasan W.No.18010 of 2021	070005277	YES	
2	D.Sudalaikannu W.P.(MD) No.9732 of 2021	260010056	Not Admitted for CV	[included in LIST OT-II dated 16.03.2020]
3	B.Sivakumar W.P.(MD) No.3949 of 2021	290005116	Not Admitted for CV	[included in LIST OT-II dated 16.03.2020]
4	S.Jamuna Rani W.P.(MD) No.3652 of 2021	290005021	Not Admitted for CV	[included in LIST OT-II dated 16.03.2020]
5	S.Princee W.P.(MD) No.3572 of 2021 & W.P.(MD) No.417 of 2020	260010045	Not Reached the Zone of Consideration	
6	D.Skathivel W.P.No.29045 of 2022	010046079	YES	
7	R.T.Sathiyakumar W.P.No.29045 of 2022	100014091	Not Admitted for CV	[included in LIST OT-II dated 16.03.2020]
8	A.Arul Anand W.P.No.29045 of 2022	010051161	YES	
9	S.Arun W.P.No.29045 of 2022	110003069	YES	



Sl. No.	Name of the Candidate / Writ Petition No.	Register Number	Provisionally admitted for Oral Test (OT) OT List & OT-CV YES / NO	Remark, if any
10	Manimaran R. W.P.No.7622 of 2023	030009082	YES	
11	Purushothaman G. W.P.No.7622 of 2023	090002372	YES	

48. The candidates under Sl.Nos.1, 10 and 11 mentioned above and few other candidates were admitted directly for CV cum OT on condition that if any of the candidates does not satisfy the eligibility criteria, their online applications would be rejected and their provisional admission to oral test will be cancelled and they will not be admitted to the next stage of selection process. It was also further stated that mere inclusion of his register number in the list does not confer any right on his part for participation of oral test.

49. This list has been challenged in W.P.(MD) NO.417 of 2020. The said writ petition was filed on 03.01.2020.

50. In the said list, though the name of petitioner in W.P.No.18010 of 2021 was included for CV/OT, as his practical experience was not accepted by the experts and he was found not suitable for post of AEI, he was not considered. Since he was also not



W.P.No.7622 of 2023, C.A. 64/2023

within the zone of consideration for selection to the other two posts viz., AEE and ADISH, he was not considered for the same.

51. As during Phase-I of oral Test, 12 candidates had absented themselves and the experience of 16 candidates had not been accepted, it had been decided to admit the candidates to the next phase of Certificate Verification in the ratio of 1: 5 against the resultant vacancies for the post of AEI, AEE (PWD) and ADISH. Accordingly, 140 candidates were admitted provisionally to the **Certificate Verification vide list-II dated 16.03.2020.**

LIST – II
FOR CERTIFICATE VERIFICATION
DATED 16.03.2020

Sl. No.	Name of the Candidate / Writ Petition No.	Register Number	Post Eligible	Provisionally admitted for CV	
1.	D.Sudalaikannu W.P.(MD) No.9732 of 2021	260010056	AEI, AEE & ADISH	Yes	
2	B.Sivakumar W.P.(MD) No.3949 of 2021	290005116	AEI, AEE & ADISH	Yes	
3	S.Jamuna Rani W.P.(MD) No.3652 of 2021	290005021	AEI, AEE & ADISH	Yes	
4	R.T.Sathiyakumar W.P.No.29045 of 2022	100014091	AEI, AEE & ADISH	Yes	



W.P.No.7622 of 2023, C.C. Bench

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52. The above said candidates were admitted for certificate verification on condition that after completion of Certificate Verification, they would be admitted provisionally to Oral Test in the ratio of 1:2/1:3 would be published. During certificate verification, the candidate with Register No.29045 of 2022 under Sl.No.4 alone was called for Oral Test and the candidates under Sl.No.1 to 3 were not called for Oral Test and their experience was not found suitable for the post of AEI by the experts.

53. Further, as during the Phase-II of Certificate Verification, 25 candidates had not uploaded their documents, applications of 3 candidates were rejected for various reasons and the experience of 97 candidates had not been accepted, it was decided by the TNPSC to admit the remaining candidates who had claimed that they had possessed the experience prescribed for the post of Assistant Electrical Inspector to the next phase of Certificate Verification. Accordingly, apart from the candidates, who had already completed the Oral Test and Certificate Verification-II, some more candidates were admitted provisionally to the **Certificate Verification-III vide list-IV dated 02.12.2020.**

54. Thereafter, based on the outcome of the Phase-II and Phase-III of the



Certificate Verification, on 09.02.2021, a List – Oral Interview-II admitting 22 for Oral Test scheduled on 25.02.2021 was published. The Oral Test as scheduled was held on 25.02.2021.

55. This list has been challenged by S.Princee in W.P.(MD) No.3572 of 2021 & S.Jamuna Rani in W.P.(MD) No.3652 of 2021 on 16.02.2021. Thereafter, W.P.(MD) No.3949 of 2021 came to be filed by B.Sivakumar on 23.02.2021 challenging the selection process as is being done in violation of the qualification criteria.

56. This court on 24.02.2021 passed the following interim orders individually in W.P.(MD) No.3572 of 2021 and W.P.(MD) No.3652 of 2021 which read as under:-

“3.At this juncture, it is brought to the notice of this Court that the oral test is scheduled to be held on 25.02.2021 and in case, the petitioner is found fit to be within the zone of consideration at the later stage, serious prejudice could be caused to her.

4.In this background, there shall be an order of interim direction, directing the respondents to permit the petitioner to participate in the oral test proposed to be conducted on 25.02.2021 for the posts of Assistant Engineer (Electrical) (PWD) in the Tamil Nadu Engineering Service and Assis-



tant Director of Industrial Safety and Health in the Tamil Nadu Factory Service.

5.It is made clear that the petitioner's participation in the oral test will not give her any right of selection and that the present interim order is made only for the purpose of convenience and to avoid any prejudice that could be caused owing to the petitioner's non participation in the oral test.”

57. As also, on 24.02.2021, this court passed the following interim order in W.P.(MD) No.3949 of 2021:-

“The respondents shall not issue final appointment orders pursuant to the impugned notification dated 29/05/2019.”

58. Thereafter, W.P.(MD) No.9732 of 2021 has been filed by D.Sudalaikannu 30.04.2021 challenging the selection process as is being done in violation of the qualification criteria. This court, on 07.06.2021 passed the following interim order in W.P.(MD) NO.9732 of 2021:-

“The learned counsel for the petitioner would state that in a connected writ petition WP(MD) No.3949/21, this Court has granted interim direction that the respondents shall not issue final appointment orders pursuant to the impugned notification dated 29.05.2019.



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W.P.No.7622 of 2023, C.C. Bench

In my opinion, the said order is applicable to the present petitioner also. Accordingly, the respondents shall not issue final appointment”

59. Based on the interim orders of this court dated 24.02.2021, in W.P.(MD) No.3652 of 2021, S.Jamuna Rani was directly admitted for oral Test on 25.02.2021. Similar is the case of S.Princee in W.P.(MD) Nos.3572 of 2021 & 417 of 2020. She was also directly admitted for OT by the interim orders of this court.

60. Thereafter, **on 25.02.2021 marks obtained by the candidates** both in the written examination held on 10.8.2019 & 25.08.2019 and oral examination held on 03.01.2020, 04.01.2020 and 25.02.2021 in respect of the posts of Assistant Electrical Inspector, Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety and Health included in the Combined Engineering Services Examination was published. The status of the petitioners as found in the said list are as under:-

Sl. No.	Name of the Candidate / Writ Petition No.	Register Number	Gender	Marks in Written Test	Marks in Oral Test	Total Marks
1	C.Gunadevan W.P.No.17952 of 2021	200004009	Male	337.50	52.00	390.00
2	A.Sheik Fareed W.P.No.17950 of 2021	060007094	Male	282.00	52.50	334.50
3	P.Anbarasan W.P.No.18010 of 2021	070005277	Male	Not Considered		



W.P.No.7622 of 2023, etc. dated

Sl. No.	Name of the Candidate / Writ Petition No.	Register Number	Gender	Marks in Written Test	Marks in Oral Test	Total Marks
				for Oral Test as he was found not suitable for the post (Experience Certificate was not accepted)		
4	D.Sudalaikannu W.P.(MD) No.9732 of 2021	260010056	Male	Not within the Zone of Consideration		
5	B.Sivakumar W.P.(MD) No.3949 of 2021	290005116	Male	Not within the Zone of Consideration		
6	S.Jamuna Rani W.P.(MD) No.3652 of 2021	290005021	Female	Withheld		Permitted to participate in OT held on 25.02.2021 by way of interim order of this court dated 24.02.2021
7	S.Princee W.P.(MD) No.3572 of 2021 & W.P.(MD) No.417 of 2020	260010045	Female	Withheld		Permitted to participate in OT held on 25.02.2021 by way of interim order of this court dated



W.P.No.7622 of 2023, etc. dated

Sl. No.	Name of the Candidate / Writ Petition No.	Register Number	Gender	Marks in Written Test	Marks in Oral Test	Total Marks
						24.02.2021
8	D.Skathivel W.P.No.29045 of 2022	010046079	Male	275.00	47.25	322.25
9	R.T.Sathiyakumar W.P.No.29045 of 2022	100014091	Male	275.50	42.50	317.50
10	A.Arul Anand W.P.No.29045 of 2022	010051161	Male	316.00	47.25	363.25
11	S.Arun W.P.No.29045 of 2022	110003069	Male	297.00	42.00	339.00
12	Manimaran R. W.P.No.7622 of 2023	030009082	Male	251.00	47.25	298.25
13	Purushothaman G. W.P.No.7622 of 2023	090002372	Male	286.00	52.50	338.50

61. In the mark list published by the TNPSC on 25.02.2021 that the results of Princee S., the petitioner in W.P.(MD) No.3572 of 2021 (Register No.260010045) and Jamuna Rani S., the petitioner in W.P.(MD) No.3652 of 2021 (Register No.290005021) had been withheld subject to final orders in the respective writ petitions.

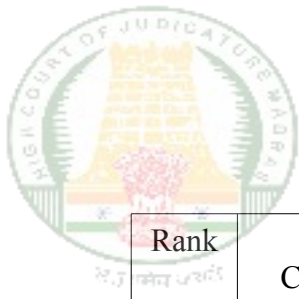
62. It is further seen from the records that on 13.08.2021, a ranking list of 116



W.P.No.7622 of 2023, C.C. Bench

candidates for the post of Assistant Electrical Inspector, Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety and Health included in the Combined Engineering Services Examination, 2008-2020 was published for counselling which was scheduled to be held on 26.08.2021 wherein the names of some of the petitioners did find place and the details of the same are furnished in the following tabular column with ranking position and the posts eligible:-

Rank	Name of the Candidate / Writ Petition No.	Total Marks	Register Number	Community	Gender	Post Eligible
20	C.Gunadevan W.P.No.17952 of 2021	390.00	200004009	BC(OBCM)	Male	AEE & ADISH
70	A.Sheik Fareed W.P.No.17950 of 2021	334.50	060007094	BCM	MALE	AEE & ADISH
-	P.Anbarasan W.No.18010 of 2021	-	070005277			
-	D.Sudalaikannu W.P.(MD) No.9732 of 2021	-	260010056			
-	B.Sivakumar W.P.(MD) No.3949 of 2021		290005116			
-	S.Jamuna Rani W.P.(MD) No.3652 of 2021		290005021			



W.P.No.7622 of 2023, etc. dated

Rank	Name of the Candidate / Writ Petition No.	Total Marks	Register Number	Community	Gender	Post Eligible
-	S.Prince W.P.(MD) No.3572 of 2021 & W.P.(MD) No.417 of 2020		260010045			
74	D.Skathivel W.P.No.29045 of 2022	322.25	010046079	MBC/DC	Male	AEI, AEE & ADISH
78	R.T.Sathiyakumar W.P.No.29045 of 2022	317.50	100014091	BC (OBCM)	Male	AEI, AEE & ADISH
44	A.Arul Anand W.P.No.29045 of 2022	363.25	010051161	BC (OBCM)	Male	AEI, AEE & ADISH
66	S.Arun W.P.No.29045 of 2022	339.00	110003069	BC (OBCM)	Male	AEI, AEE & ADISH
85	Manimaran R. W.P.No.7622 of 2023	298.25	030009082	MBC/DC	Male	AEI, AEE & ADISH
67	Purushothaman G. W.P.No.7622 of 2023	338.50	09000237 2	BC (OBCM)	Male	AEI, AEE & ADISH

63. After this list was published, A.Sheik Fareen and C.Gunadevan have approached this court on 19.08.2021 by way of W.P.Nos.17950 and 17952 of 2021



challenging their non selection for the post of AEI , while P.Anbarasan has approached this court on 23.09.2021 by way of W.P.No.18010 of 2021 challenging his non selection on 23.09.2021.

64. This Court on 25.08.2021, passed the following order in W.P.No.18010 of 2021:-

“2. In this writ petition, *prima facie*, it appears that the petitioner have the requisite qualification and the work experience for being appointed to the post of Assistant Electrical Inspector. Since the counseling session is proposed to be held by the first respondent tomorrow, there shall be an order of interim direction, directing the first respondent to allow the petitioner to participate in the counseling session tomorrow i.e. on 26.08.2021 at 10.00 am. However, the result will be kept in the sealed cover and the appointment of the petitioner will be subject to the outcome of this writ petition”

65. Further, this court on 25.08.2021, passed the following order in W.P.No.17950 and 17952 of 2021:-

“2. In both these writ petitions, *prima facie*, it appears that the petitioners have the requisite qualifications and the work experience for being appointed to the post of Assistant Electrical Inspector. Since the counseling session is proposed to be held by the respondent tomorrow, there shall be an order of interim direction, directing



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W.P.No.7622 of 2023, C.C. Caten

the respondent to allow the petitioners to participate in the counseling session tomorrow i.e. on 26.08.2021 at 10.00 am. However, the result will be kept in a sealed cover and the appointment of the petitioners will be subject to the outcome of these writ petitions.”

66. On the very next day, i.e., on 26.08.2021, this court passed the following order in W.P.Nos.17950, 17952 & 18010 of 2021”

“3. Considering the rival submission of the learned counsel for the petitioners and the respondents, the following interim orders are passed:-

i. As ordered in the interim order dated 25.08.2021, the counselling shall go on by including the petitioners in all the three writ petitions.

ii. The respondents shall not however announce the result of the petitioners and send the result in a sealed cover to this Court. Their appointment will be subject to the final outcome of three Writ Petitions.

iii. The respondents may however issue allotment letters to the candidates who were otherwise called for counseling by the respondents today other than the petitioners with rider that their



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W.P.No.7622 of 2023, C.C. Bench

selection/allotment would be subject to the final outcome of the orders to be passed in three Writ Petitions.”

67. Pursuant to the ranking list dated 25.02.2021, a final list of provisionally selected candidates for appointment by direct recruitment to the posts of Assistant Electrical Inspector, Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety and Health included in Combined Engineering Services Examination, 2008-2020 was published on 22.09.2021, hosted on 23.09.2021.

68. While so, taking into account the interim order of this court dated 26.08.2021 made in W.P.Nos.17950, 17952 & 18010 of 2022, this court has by order dated 08.04.2022 modified its earlier interim order passed on 24.02.2021 which directed the TNPSC not to issue final appointment orders pursuant to the impugned notification and recording the undertaking given the TNPSC to keep one post vacant in respect of Sl.Nos.5 & 6 of the notification for the petitioners in W.P.(MD) Nos.3949 & 9732 of 2021, permitted to the TNPSC to proceed with the selection process in accordance with law.

69. While so, much after the publication of the provisional selection list, aggrieved by the order of this court not to issue final appointment orders, some of the successful candidates who have been awaiting appointment orders from the employer concerned have approached this court by way of writ petition in W.P.No.29045 of 2022



W.P.No.7622 of 2023, C.C. Bench

and W.P.No.7622 of 2023 on 31.10.2022 and 06.03.2023 respectively.

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70. The learned counsel for the petitioners in W.P.Nos.17950 & 17952 of 2021 submitted that though the petitioners were fully eligible to hold the post of Assistant Electrical Inspector, they were not called for oral test for the post of Assistant Electrical Inspector and they were called for oral test only for the posts of Assistant Engineer (Electrical) in PWD/Assistant Director of Industrial Safety and Health. Though they performed well in the oral test, they were not selected for appointment and the candidates who were less meritorious than the petitioners were considered and selected provisionally for appointment to the posts of AEI, AEE in PWD and ADISH.

71. The learned counsel for the petitioner in W.P.No.18010 of 2021 submitted that though the petitioner was admitted for oral test for the post of AEI, his practical experience was not considered properly and he was found not suitable which is nothing but arbitrary and some of the selected candidates who were less meritorious than the petitioner were considered for appointment to the posts.

72. The learned counsel for the respective petitioners in W.P.(MD) No.417 of 2020 & W.P.(MD) No.3572 of 2021 and W.P.(MD) No.3652 of 2021 submitted that the petitioners were fully eligible to hold the post of Assistant Electrical Inspector, Assistant Engineer (Electrical) in PWD and Assistant Director of Industrial Safety and



Health. Though they were admitted for oral test, neither they were considered for appointment to the post of AEI nor to the posts AEE in PWD and ADISH. On the other hand, the petitioners in W.P.Nos.29045 of 2022 & W.P.No.7622 of 2023 who were less meritorious than the petitioners have been provisionally selected for appointment to the post of Assistant Electrical Inspector.

73. Insofar as the petitioners in W.P.(MD) No.9732 of 2021 and W.P.(MD) No.3949 of 2021, their respective counsel would submit that the TNPSC had not considered the practical experience of these petitioners properly and that though they were suitable for AEI, AEE in PWD and ADISH, they were not considered for appointment to any of the posts and their results were also not published.

74. Though there has been an allegation of malafide raised in some of the writ petitions, none of the counsel appeared for unsuccessful petitioners has put forth arguments on the same. However, the learned counsel for the respective unsuccessful petitioners taking this court through the various phases of certificate verification and the oral tests submitted that the petitioners had been discriminated by way of rejection of their candidature on the ground of either want of experience or insufficient experience while selecting the petitioners in W.P.No.29045 of 2022 and W.P.No.7622 of 2023 and the private respondents 4 to 18 in W.P.(MD) No.3949 of 2021 and other candidates who



were less meritorious.

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75. The learned standing counsel for the TNPSC, on the other hand, taking this court through the various lists pertaining to different phases of certificate verification and oral tests submitted that though the unsuccessful petitioners were called for interview, the experts who had examined the practical experience of the petitioners found them not suitable for the Post of Assistant Electrical Inspector and therefore, they were not considered for appointment to that post and as such the TNPSC had proceeded to go for Phase-II and Phase-III of certificate verification and thereafter, based on the outcome of the certificate verification candidates were short listed for oral test and thereafter based on the merits and communal category of the candidates, final list of selection was published. According to him there was neither arbitrariness nor irregularity on the part of the TNPSC in the selection process and the petitioners who were unsuccessful do not have a vested right to a post.

76. The learned senior counsel for the successful petitioner in W.P.Nos.29045 of 2022 and the learned counsel for the petitioner in W.P.No.7622 of 2023 justified the selection of these petitioners and adopted the arguments advanced by the learned standing counsel for the TNPSC.

77. The learned Special Government Pleader, on the other hand, adopting the



stand of the TNPSC submitted that petitioners in W.P.Nos.29045 of 2022 and 7622 of 2023 alone were found suitable for the post of AEI by the expert and the other petitioners were found not suitable for the post of Assistant Electrical Inspector either for want of right experience or insufficient experience. Though some of the unsuccessful candidates were admitted for oral test in respect of other two posts, viz. AEE & ADISH, they were found less meritorious and as such they were not considered for those posts also.

78. The learned senior counsel for the private respondents 7 to 18 in W.P.(MD) No.3949 of 2021 as well as the learned counsel for the private respondents 4 to 6 taking this court through the notification and the selection process of various stages contended that after the stay was vacated, the selection process to posts of Assistant Engineer (Electrical) in PWD, Assistant Director of Industrial Safety and Health and for the post of Assistant Electrical Inspector were completed and the list of provisionally selected candidates dated 22.09.2021 was also published on the official website of the TNPSC on 23.09.2021. According to them, the provisions of the Electricity Act have no relevance to the service rules of the TNEB. The respondents 4 to 18 were selected purely based on merits and they are awaiting appointment orders.



The unsuccessful petitioners who had possessed either right experience or insufficient experience had no right to challenge the selection of some of the private respondents for the post of AEI. Further, as the unsuccessful petitioners were not within the zone of consideration for appointment to the posts of AEE in PWD and ADISH, they were not considered for said posts also.

79. This court has considered the rival submissions on the merits of the candidates carefully.

80. In the case of **M.C.Gupata (Dr) v. ArunKumar Gupta (Dr)** reported in (1979) 2 SCC 339, the Supreme Court has held as under:-

“7. Before the rival comments are probed and analysed, it would be necessary to keep in view the twilight zone of Court's interference in appointment to posts requiring technical experience made consequent upon selection by Public Service Commission, aided by experts in the field, within the framework of Regulations framed by the Medical Council of India under Section 33 of the Indian Medical Council Act, 1956, and approved by the Government of India on 5th June 1971. When selection is made by the Commission aided and advised by experts having technical experience and high academic qualifications in the specialist field, probing teaching/research experience in technical subjects, the Courts should be slow to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. It would normally be prudent and safe for the Courts to leave the



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W.P.No.7622 of 2023, C.C. 5/2023

decision of academic matters to experts who are more familiar with the problems they face than the Courts generally can be. Undoubtedly, even such a body if it were to contravene rules and regulations binding upon it in making the selection and recommending the selectees for appointment, the Court in exercise of extraordinary jurisdiction to enforce rule of law, may interfere in a writ petition under Article 226. Even then the Court, while enforcing the rule of law, should give due weight to the opinions expressed by the experts and also show due regard to its recommendations on which the State Government acted. If the recommendations made by the body of experts keeping in view the relevant rules and regulations manifest due consideration of all the relevant factors, the Court should be very slow to interfere with such recommendations.”

81. In the case of **Secretary, Department of Health and Family Welfare v. Anita Puri (Dr.)**, (1996) 6 SCC 282, the Supreme Court held as under:-

"9. ... It is too well settled that when a selection is made by an expert body like the Public Service Commission which is also advised by experts having technical experience and high academic qualification in the field for which the selection is to be made, the courts should be slow to interfere with the opinion expressed by experts unless allegations of mala fide are made and established. It would be prudent and safe for the courts to leave the decisions on such matters to the experts who are more familiar with the problems they face than the courts. If the expert body considers suitability of a candidate for a specified post after giving due consideration to all the relevant factors, then the court



should not ordinarily interfere with such selection and evaluation. Thus considered, we are not in a position to agree with the conclusion of the High Court that the marks awarded by the Commission was arbitrary or that the selection made by the Commission was in any way vitiated.

82. In the case of **Ganpat Singh Gangaram Singh Rajput vs. Gulbarga University [(2014) 3 SCC 767]**, the Supreme Court has held thus:-

“17. When the view taken by the expert body is one of the possible view, the same is fit to be accepted. Further, the yardstick would be different when it concerns eligibility conditions pertaining to “qualification' and 'experience' . In case of experience, it is best known to the expert body in the field in regard to the actual work done and therefore, its opinion is of higher degree deserving acceptance ordinarily.”

83. It is the consistent view of the Supreme Court that courts shall not ordinarily test the opinion of the experts unless their decision is totally arbitrary or unreasonable. As already discussed, when the experts evaluated the practical experience obtained by the unsuccessful petitioners and based on such verification of practical experience made by the expert body, the recruiting agency had selected the candidates, who were found suitable based on the overall marks obtained by them, in the light of the principle laid down by the Supreme Court in the cases of **Ganpat Singh Gangaram Singh Rajput vs. Gulbarga**



University [(2014) 3 SCC 767] and Secretary, Department of Health and Family Welfare

v. Anita Puri (Dr.), (1996) 6 SCC 282, this court does not want to take a different view to hold that the remarks of the experts are incorrect, in particular when the experts considered the suitability of the candidates for a specified post after giving due consideration to all the relevant factors. Therefore, the contention of the learned counsel for the respective unsuccessful petitioners that the practical experience obtained by them was not considered properly cannot be countenanced.

W.P.No.17950, 17952 and 18010 of 2021:

84. Gunadevan, Sheik Fareed and Anbarasan are petitioners in W.P.No.17950 & 17952 of 2021 respectively. They were provisionally admitted for CV (vide List-I) and on verification of practical experience, they were found not suitable by the experts and as such they were not considered for oral test for the post of AEI, however, they were called for OT for the other posts AEE and ADISH. After oral interview, they were not considered for appointment to the post of AEE and ADISH, as they were not meritorious.

85. Insofar as Anbarasan is concerned though he was one among 62 candidates who were directly admitted for CV cum OT in order to satisfy 1:2 / 1: 3 ratio for OT, he was also not considered for the post of AEI as his experience was not accepted by the experts. Further, as he had not reached the zone of selection for AEEE in PWD and ADISH and as such he was not considered for the other two posts also.



86. This court does not find any arbitrary exercise on the part of the TNPSC in the selection process insofar as these petitioners are concerned. There is also no specific malafide alleged against the respondents. The writ petitions deserve only to be dismissed.

It is now open to the TNPSC to take a decision on the publication of results of these petitioners as per procedure governing the selection process.

W.P.Nos.9732 of 2021, W.P.(MD) No.3949 of 2021, W.P.(MD) NO.3652 of 2021, W.P.(MD) No.3572 of 2021 & W.P.(MD) No.417 of 2020:

87. As far as D.Sudalaikannu with Register No.260010056, the petitioner in W.P.(MD) No.9732 of 2021; B.Sivakumar with Register No.290005116, the petitioner in W.P.(MD) No.3949 of 2021, according to the TNPSC they were not within the zone of consideration for next stage of selection i.e., CV/OT and as such they were not considered. With regard to S.Jamuna Rani with Register No.290005021, the petitioner in W.P.(MD) No.3652 of 2021 and S.Princee with Register No.260010045, the petitioner in W.P.(MD) No.3572 of 2021 & W.P.(MD) No.417 of 2020 are concerned, according to the TNPSC, they were directly admitted provisionally for OT by the interim orders of this court, however, as their experience was not found suitable by the experts, they were not considered for the post of AEI. Further, as they were not within the zone of consideration for appointment to the other two posts. Therefore, they were



not considered for appointment to the posts of AEE in PWD and ADISH. This court does not find any arbitrary exercise in the selection process insofar as these petitioners are concerned also. The writ petitions deserve only to be dismissed.

88. Though the respondents 3 to 33 were called for CV cum OT based on the Phase I of CV, of whom, respondents 6, 21, 27 & 29 were alone found suitable for the post of AEI. However, they were not considered for further selection process as they were not within the zone of consideration for the next selection process. Insofar as the respondents 4, 7, 8, 10, 12, 13, 15, 17, 18, 19, 22, 23, 24, 26, 30, 31 and 33 are concerned, though they were directly admitted for CV cum OT, as their experience was not accepted by the experts, they were not considered for the post of AEI. Further, as they were not within the zone of consideration for appointment to the other two posts, they were not considered for the same also. As far as the respondents 3, 5, 9, 11, 16, 25, 28 & 32 are concerned, their experience was not accepted by the experts and as such they were not considered for the next selection process. As they had not reached the zone of consideration

89. Insofar as the selection of private respondents 4 to 18 for the posts AEI/AEE/ADISH are concerned, this court does not find any arbitrariness on the part of the TNPSC in the selection process.



90. In view of the above conclusion, the interim orders of stay granted in these writ petitions directing not to issue final appointment orders pursuant to the impugned notification are hereby vacated.

W.P.No.29045 of 2022 & W.P.No.7622 of 2023

91. The petitioners in these writ petitions are concerned, they are candidates selected provisionally for appointment to the post of AEI. They have come up with a prayer for positive direction to the TNPSC to recommend to the Government the case of the petitioners for issuing orders of appointment pursuant to their selection provisionally for appointment to the post of AEI.

92. Considering the facts and circumstances of the case and in view of the dismissal of the other writ petition, these petitioners, who were successful in the selection process, are entitled to the relief as prayed for.

93. Since the selection process was already concluded and the list of provisional selection dated 22.09.2021 was also published and the individuals who were selected provisionally for appointment were also communicated individually about their selection and the interim orders of stay granted in the other connected matters stood vacated, now, there may not be any impediment for the respondents 1 and 2 to issue orders of appointment to the candidates who were provisionally selected for appointment to the post



W.P.No.7622 of 2023, C.A. 6408

of AEI or AEE in PWD or ADISH. The respondents 1 and 2 shall act accordingly in terms of the recruitment notification.

94. Insofar as the allegation of discrimination of the unsuccessful petitioners is concerned, as already discussed above, this court does not find any discrimination in the selection process. In fact, the names of the petitioner in W.P.No.17950 and 17952 of 2021 alone were found place in the first list published for certificate verification based on merits and communal rotation. Based on the outcome of the certificate verification and due to paucity of candidates, the TNPSC had proceeded to admitted the candidates in the next phases of certificate verification. Some of the other unsuccessful petitioners' names were found place in the subsequent lists for certificate verification. As their experience was not found suitable, the candidates who had fulfilled the eligibility condition were selected based on merits and communal rotation. Therefore, the unsuccessful petitioners cannot contend that though they were meritorious they were not considered for appointment and the candidates with less merits were considered for appointment.

In the result, W.P.(MD) No.417 of 2020, W.P.(MD) Nos.3572, 3652, 3949, 9732 of 2021, W.P.Nos.17950, 17952 & 18010 of 2021 are dismissed. The TNPSC is at liberty to publish the marks of the candidates withheld, if any, and so far not published pursuant to the interim orders of this court. W.P.Nos.29045 of 2022 and W.P.No.7622 of 2023 are disposed of with the directions as indicated above.



W.P.No.7622 of 2023, C.A. 6409

No costs. Consequently, connected WMPs are closed.

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Index : yes / no
Neutral Citation : yes / no
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W.P.No.7622 of 2023, C.C. Bench

To

- 1.The Principal Secretary to Government, Energy Department, Government of Tamil Nadu Secretariat, Fort St. George, Chennai 600 009.
- 2.The Chief Electrical Inspector to Government, Government of Tamil Nadu Electrical Inspectorate, Thiru.Vi.Ka. Industrial Estate,Guindy, Chennai-32.
- 3.The Secretary, Tamil Nadu Public Service Commission, TNPSC Road, VOC Nagar, Park Town, Chennai 600 003.
- 3.The Controller of Examinations, Tamil Nadu Public Service Commission, TNPSC Road, VOC Nagar, Park Town, Chennai 600 003.



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W.P.No.7622 of 2023, etc. dated

N.SATHISH KUMAR.J.,

kmk

Pre Delivery Common Order
in
Writ Petition
Nos.7622 of 2023, 17950, 17952, 18010 of 2021 & 29045 of 2022
&
Writ Petition (MD) Nos.417 of 2020, 3572, 3652, 3949 & 9732 of 2021

04..10..2023