



W.P.No.4055 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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R.Kavitha

...Petitioner

Vs

1.The Managing Director,
Chennai Metropolitan Water
Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

2.Karpagavalli

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the proceedings in Memo No.CMWSSB/P&A/STF/RA3/31023/2013 dated 18.11.2014 with respect to the selection of the second respondent for the post of Assistant Engineer (Electrical) as null and void and consequently appoint the petitioner as the Assistant Engineer (Electrical) in the CMWSSB Engineering and Technical Service.

For Petitioner	: Mr.S.Balasubramanian
For R1	: Mr.Krishna Ravindran
For R2	: No Appearance



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ORDER

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Heard Mr.S.Balasubramanian, learned counsel for the petitioner and Mr.Krishna Ravindran, learned counsel for the first respondent. There is appearance for the second respondent.

2. The petitioner herein questions the appointment of the second respondent for the post of Assistant Engineer in the direct recruitment made by the respondent Board in the year 2013, from the list of names sponsored by the employment exchange.

3. According to the learned counsel for the petitioner, the degree of B.E., in Electrical and Electronics would be more appropriate than the degree in B.E., in Electronic Communication and since the second respondent possess the B.E., (E.C.E.) degree, the qualification is not valid. He would further submit that the petitioner is senior in the list of names recommended by the employment exchange, as well as by age.

4. Per contra, the learned Standing Counsel appearing for the first respondent placed reliance on the averments in the counter affidavit and



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submitted that the names of the petitioner and the second respondent were sponsored by the employment exchange, by which a rank list was prepared by the selection committee, according to the aggregate of marks scored by them in B.E., written examination, as well as in the oral interview. Since the second respondent had scored an aggregate of 64.954 in the selection process, as against the petitioner's aggregate of 57.746, the petitioner was not appointed to the post.

5. When the second respondent has scored more marks than that of the petitioner herein in the written examination as well the oral interview and also since the percentage of marks obtained by the second respondent in the B.E., degree has been taken into account, the selection of the second respondent in the said post cannot be found fault with.

6. Insofar as the ground raised by the petitioner that the post of Assistant Engineer (Electrical) requires to be filled up through candidates holding a B.E., (Electrical) degree, the respondent Board had passed a resolution on 29.06.1992, resolving that the appointments to the post of Assistant Engineer (Electrical) can be made by considering the



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qualification of B.E., (E.C.E.) also. While that being so, the essential qualification prescribed for selection to the said post, cannot be found fault with.

7. Even otherwise, this Court, exercising its powers under Article 226 of the Constitution of India, will not venture into interfering with the qualifications that are prescribed in the notification and by substituting or finding fault with such qualifications, which is a settled proposition of law. Likewise, the seniority in the list of candidates proposed by the employment exchange or the age will not be a deciding factor or criteria for selection in a direct recruitment. As such, I do not find any merits in the present writ petition.

8. Accordingly, the writ petition stands dismissed. No costs.

30.01.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To
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The Managing Director,
Chennai Metropolitan Water
Supply and Sewerage Board,
No.1, Pumping Station Road,
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M.S.RAMESH,J.

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