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W.P.No.8563 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM:

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

W.P.No.8563 of 2014
and M.P.Nos.1 to 3 of 2014

S.Sujitha

...Petitioner

-Vs-

1. The Chief Engineer – Personnel
Administrative Branch,
Tamil Nadu Generation and
Distribution Corporation,
No.144, Anna Salai,
Chennai – 2.

2. The Chief Engineer/Distribution,
Coimbatore Region,
Tamil Nadu Generation and
Distribution Corporation,
Coimbatore – 641 112.

3. S.Thirumurugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent selection list of 182 Assistant Engineer/Electrical (EEE) by direct recruitment 2013-2014 date nil in S.No.155 Turn No.166 SC(A)(P(TM) APPL.NO.61, EXPEXNO 2003M22511 and quash the same.



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For Petitioner : Mr.R.Rajarajan
For Respondents
For R1 & R2 : Mr.K.Rajkumar
Standing Counsel
For R3 : No appearance

ORDER

This writ petition has been filed challenging the selection of the third respondent to the post of Assistant Engineer by the first respondent.

2. The petitioner had completed her B.E. degree and she obtained 68% of marks in over all subjects. She also had registered her qualification with the District Professional and Executive Employment Branch, Madurai. She had also undergone apprenticeship with the Tamil Nadu Electricity Board, Erode from 20.05.2009 to 19.05.2010 under the Apprenticeship Act, 1961 in the subject filed of Electrical and Electronic Engineering.

3. In order to recruit 200 post of Assistant Engineer -Electrical and Electronics Engineering, the first respondent requested the District and Regional Professional and Executive Employment Exchange Officer



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to sponsor the eligible candidates' name. Accordingly, the petitioner's name was sponsored and she had attended the interview. She is coming under the S.C. Arundhathiyar women category. However, she was not selected in the selection list published in the internet thereby selecting 182 Assistant Engineers including the third respondent herein. In the selection list, the third respondent was figured at 155th place and he also belongs to SC Aundhathiyar community and obtained 66.98% of marks as less than the marks secured by the petitioner in the degree. Therefore, the selection of the third respondent is now challenged in the present writ petition.

4. The learned counsel appearing for the petitioner submitted that in the selection list, the final column referring the marks. It pertains to the marks obtained in the degree alone and as such the third respondent ought not to have been selected by the first respondent. He also produced the Tamil Nadu Electricity Board Service Regularization and according to turn 166 marks for Schedules Case (Arunthathiyars on Preferential basis) Women. Therefore, the third respondent was not at all named under the said category. Even then, he has been appointed under the turn 166 as Assistant Engineer. Further he submitted that even



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according to the first respondent, the third respondent is not coming under category of any preferential category.

5. Heard the learned counsel appearing on either side and perused the material placed before this Court.

6. On perusal of counter affidavit filed by the first respondent revealed that the vacancies occurred in the category of Assistant Engineer (Electrical) shall be filled by internal selection and direct recruitment in the ratio of 1:1. The direct recruitment shall be made from and out of the following disciplines as order in (Per.) B.P.(FB) No.13 (Administrative Branch), dated 03.06.2005:- The Electrical and Electronics Engineering 91%, Electronics and Communication Engineering 5%, Instrumentation Engineering 2% and Computer Science/ Information Technology Engineering 2%.

7. As per the provisions in Regulation 89(5)(i) of the Tamil Nadu Electricity Board Service Regulation, mode of recruitment of various categories of post by direct recruitment is as follows :-

(i) On the results of written examinations (or)



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(ii) Interview (or)

(iii) Based on the performance in the qualifying examinations prescribed for the respective post (or)

(iv) By awarding marks for the performance in the qualifying examination (or)

(v) By combining any of the method as considered suitable.

8. Accordingly, the first respondent conducted full board meeting and decided to fill up the above posts by direct recruitment through the employment exchange and passed resolution dated 31.12.2011. Thereafter, they called for names from the employment exchange and conducted interview. The marks obtained in the decree to be worked out for 85% and 15% marks worked out for viva-voce interview in technical subjects and managerial skills. Accordingly, the interview was conducted between 23.04.2012 to 26.04.2012. All the procedures required under the regulations including following of communal rotation, 450 candidates were selected for the post of Assistant Engineer (Electrical), 100 candidates were selected for the post of Assistant Engineer (Mechanical) and 25 candidates were selected for the post of Assistant Engineer (Civil) during the month of July, 2012.



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9. The petitioner belongs to SC Arundhathiyar community and she scored 67.50 % in her degree. It was converted to 85% and accordingly, she scored 57.38 marks. In the interview, she scored 6 marks and totally she scored 63.38 marks. Though the petitioner scored higher marks in the degree, the third respondent scored high marks in the interview and therefore, he was selected for the post of Assistant Engineer (Electrical).

10. Further, the selection was finalized based on the merits of marks and as per communal rotation as ordered in G.O.Ms.No.65 Personnel and Administrative Reforms (K) Department dated 27.05.2009. In fact, the last selected candidate under the Schedule Case Arundhathiyar women non priority category is 69.72 including the interview marks. Whereas, the petitioner scored only 63.38 marks. Therefore, she was not selected for the post of Assistant Engineer.

11. That apart, the third respondent was selected under the category of Schedule Caste Arundhathiyar under the priority category. Since he got intercaste marriage, he was considered under the intercase marriage category to the post of Assistant Engineer. Therefore, the



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contention raised by the petitioner cannot be considered, since the third respondent was properly selected as per the rules and regulations to the post of Assistant Engineer. Hence, the prayer sought for in this writ petition is devoid of merits and it is liable to be dismissed.

12. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed. There shall be no order as to costs.

24.07.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

rts

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