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W.P.No.18806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18806 of 2022

S.Krishnan

... Petitioner

Versus

- 1.The Principal Secretary,
Adhi Diravidar and Tribal Welfare (TD2),
Government of Tamil Nadu, Secretariat,
Chennai 600 009.
- 2.The Chairman & Managing Director,
Tamil Nadu Electricity Generation & Distribution Corporation,
Chennai – 600 002.
- 3.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation & Distribution Corporation,
Chennai – 600 002.
- 4.Tamil Nadu Public Service Commission,
Rep. by its Secretary, Frazer Bridge Road,
Chennai – 600 003.
- 5.T.Krishnamoorthi,
C/o Tamil Nadu Electricity Generation & Distribution Corporation,
Chennai – 600 002,
Registration No.1411171198 (2016-2017).
- 6.K.Ananthan,
C/o Tamil Nadu Electricity Generation & Distribution Corporation,
Chennai – 600 002,
Registration No.1411171198 (2016-2017).

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or Order or Direction in the nature of Writ directing the respondents 2 and 3 to appoint the petitioner as Field Assistant (Trainee) in pursuant to the results published based on the Notification No.1 of 2016 dated 28/02/2016 with effect from the date of appointments of others as Field Assistants, as the petitioner fulfilled all the requirements insisted by the respondents 2 and 3.

For Petitioner : Dr.A.E.Chelliah, Senior Counsel for
Mr.C.Vasanthakumari Chelliah

For Respondents : Mr.K.Rajkumar-R1 to R3
No Appearance-R4 to R6

ORDER

This Writ Petition has been filed to direct the respondents 2 and 3 to appoint the petitioner as Field Assistant (Trainee) in pursuant to the results published based on the Notification No.1 of 2016, dated 28.02.2016 with effect from the date of appointments of others as Field Assistants, as the petitioner fulfilled all the requirements insisted by the respondents 2 and 3.

2.The case of the Writ Petitioner is that he has applied for the post of Field Assistant in a recruitment process undertaken by the respondents 2 and 3 in notification No.01/2016, dated 28.02.2016. The petitioner was called for an interview for the said post and also directed to bring the



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community certificate (in the case of BCO/BCM/MBC/DNC/SC/SCA/ST).

The cut off marks for SC(A) is 44.38. Whereas the petitioner has secured 45.29 marks, which is more marks than the cut off marks. Despite the same, the petitioner has not been given appointment on the ground that there is some mistake in the community certificate. Hence, seeks direction of this Court.

3.The learned Senior Counsel appearing for the petitioner would submit that even at the time of issuance of community certificate, the caste referred as 'Hindu Arunthathiyar' which clearly comes under SC(A). Merely because of nomenclature 'SC' mentioned in the community certificate, the petitioner has been denied job despite the fact that he has secured more marks than other candidates. Subsequently, the petitioner has produced the community certificate, dated 09.08.2021 mentioning 'SC Arunthathiyar' in the top of the certificate, however the same has not been considered. Thereafter, the petitioner has given several representations to the respondents 2 and 3 to consider the case of the petitioner, but no action has been taken so far.



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4.Counter has been filed by the 3rd respondent. It is the contention that the petitioner has submitted his community certificate as 'SC' and he has not submitted any request or representation for his community change at the time of certificate verification and he has attended the interview physical verification and obtained a total mark of 45.29%. As per the notification No.1 of 2016, dated 28.02.2016, Note 5 of Clause 12, the request for change/correction in any particulars in the application form shall not be entertained under any circumstances after the application has been submitted. Since the petitioner has not sought for any change in the particulars, he has not been considered under the category of 'SC'. It is the further case of the 3rd respondent that in a similar case of one Janakipathi, for appointment to the post of Ganman, the concurrence has been sought for the Government and as and when the clarification is received, further action will be taken.

5.Heard the submissions of the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents 1 to 3 and perused the materials.



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6. Now the point arises out for consideration is whether the petitioner is entitled for appointment under the category of SC(A). It is not in dispute that the petitioner has secured more than the cut off marks prescribed for SC(A). The petitioner has in fact called for an interview and also directed to produce the community certificate. The fact that he has produced the community certificate is also not disputed by the respondents 1 to 3. On perusal of the community certificate produced in the typed set, it makes clear that the petitioner belongs to Hindu Arunthathiyar which comes under the Scheduled Caste community. Eventhough the community certificate contains the word Hindu Arunthathiyar, the respondents 2 and 3 did not bother about the request of the petitioner. Hence, the petitioner has produced community certificate which was issued on 09.08.2021 indicating that he belongs 'Hindu Arunthathiyar' which is classified as Scheduled Caste. The community certificates, dated 30.11.2011 and 09.08.2021 makes clear that the petitioner belongs to 'Hindu Arunthathiyar' which is recognized as a Scheduled Caste as per the Scheduled Caste and Scheduled Tribes orders (Amendment) Act, 1976. Both the community certificates of the year 2011 and 2021 indicated that the petitioner belongs to 'Hindu



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Arunthathiyar' which is classified as Scheduled Caste. These certificates also produced even at the time of interview. Therefore, it cannot be stated by the respondents 2 and 3 that since the petitioner has not produced separate community certificate in SC(A), his case has not been considered.

7.In such view of the matter, the question of referring as SC(A) by the petitioner in the application form does not arise at all. When the community of the petitioner is not disputed and the petitioner has also secured relevant cut off marks which is more than the cut off under the SC(A), he cannot be rejected on technical ground that he has not submitted any request or representation for his community change at the time of certificate verification.

8.As the other qualifications and eligibility have not disputed, the respondents 2 and 3 are directed to give an appointment to the petitioner if he is found suitable, within a period of three months, from the date of receipt of a copy of this order.



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9. With the above direction, this Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To

1. The Principal Secretary,
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Chennai 600 009.
2. The Chairman & Managing Director,
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N.SATHISH KUMAR, J.

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