



WEB COPY



W.P.No.6188 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.6188 of 2017

and

W.M.P.No.6673 of 2017

S.Solaimani

... Petitioner

Vs.

- 1 The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai-02
- 2 The Tamil Nadu Generation and Distribution Corporation Ltd.,
rep by the Secretary,
144, Anna Salai,
Chennai-02.
- 3 The Chief Engineer/ Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna salai, Chennai-02.

... Respondents



W.P.No.6188 of 2017

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider the originally published mark of the Petitioner i.e., 55.667% dated 28.01.2017 and consider the petitioner for appointment to the post of Assistant Engineer/Electrical subject to results of the interview.

For Petitioner : Mr.Prem Chander
for Ms.S.Varsha

For Respondents : Mr.K.Rajkumar,
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to consider the originally published mark of the Petitioner i.e., 55.667% dated 28.01.2017 and consider the petitioner for appointment to the post of Assistant Engineer/ Electrical subject to results of the interview.

2.The petitioner is a B.E. graduate and as per the Notification dated 28.12.2015, he has applied for the post of Assistant Engineer/Electrical. Pursuant to the application, the petitioner was issued Hall Ticket and the



W.P.No.6188 of 2017

WEB COPY

petitioner successfully participated in the written examination conducted by the Respondent Board. Due to some pending litigations, the results of the examination were withheld but the direction issued by this Court, the results of the same were published in the month of July, 2016. The marks obtained by the petitioner in the said examination was published in the official website of the respondents as 55.667%. As per the published cut-off marks for participation in the viva voce interview, whereby the cut off for the petitioner's community was 27.67%. The petitioner had scored above the cut off marks and was anxiously waiting for the call letter for the interview which is to be held between 13.03.2017 and 15.03.2017. But however, it was noticed that all of the fellow candidates of the petitioner were receiving the call letters except the petitioner. Hence, the petitioner again went to the official website of the respondents to verify the particulars. To the shock and surprise of the Petitioner, the marks of the petitioner were published as 20.667% as against the original 55.667%. Immediately, the petitioner rushed to the office of the respondents but there was no response and no action taken. Hence, the Petitioner sent a representation to the Respondents



W.P.No.6188 of 2017

but there was no response from the respondent. Hence, the present Writ Petition.

3.On 13.03.2017, when the matter came up for admission, the learned counsel for the petitioner drew the attention of this Court to the marks awarded to the petitioner in the official website of the respondents which shows that initially, he was awarded 55.667% which has been subsequently reduced to 20.667%. In view of the above, this Court directed Mr.K.Venkatramani, learned Additional Advocate General to take instructions from the respondents.

4.On 14.03.2017, the learned Advocate General submitted that the petitioner has secured only 20.667% in the written test, but it is not known whether the official website of the respondents has been hacked or the mark has been manipulated. However, he submitted that the respondents are prepared to entertain the petitioner with a requisite certificates and after scrutinizing the documents and the marks secured by him, he will be



W.P.No.6188 of 2017

allowed to take part in the interview before the Chief Engineer (Personnel), viz., the 3rd respondent herein, tomorrow at 10.30 a.m. Therefore, this Court directed the petitioner to appear before the 3rd respondent for interview, i.e., on 15.03.2017 at 10.30 a.m. with the relevant certificates and the 3rd respondent also directed to consider the claim of the petitioner, more particularly, as to whether he has secured 55.667% or 20.667% in the Written Test and do the needful.

5.The learned counsel appearing for the respondents would submit that the 3rd respondent have been organising and supervising the conducting of interview at the Interview venue at Vandalur, Kanchipuram District and the interview is programed from 13.03.2017 to 16.03.2017 between 9.00 AM to 5:00 PM for AE/Electrical and on 17.03.2017 and 18.03.2017 for AE/Mechanical & Civil. Hence, the 3rd respondent have orally requested the Anna University to inform the marks awarded to the petitioner based on his application number. In the meanwhile, the 3rd respondent have also verified the results Data Transfer provided by the Anna University in Compact Disc.



W.P.No.6188 of 2017

WEB COPY

Thereafter, the 3rd respondent also verified the TANGEDCO portal as well.

From the said three processes, the 3rd respondent could ensure that the marks awarded to the petitioner is 20.667 only. Meanwhile the petitioner has appeared at the Interview on 15.03.2017. On verification, the petitioner scored 20.667 marks in the written examination. In the presence of the petitioner, the TANGEDCO portal was opened and it showed the mark as 20.667, as orally confirmed by the Anna University and verified from the Data Transfer CD of the Anna University. Thereafter, the petitioner was requested to show from which portal/URL the petitioner has got his marks as 55.667. The petitioner was allowed to use his laptop for the said purpose. But, the petitioner was not able to establish how the petitioner has got the mark of 55.667. As the petitioner has failed to establish his marks as 55.667, the 3rd respondent was not in a position to allow the petitioner to appear for interview along with other bonafide eligible candidates. Further, the petitioner appears to have attempted some methods impermissible in law perhaps by saving the Web Page appearing in the TANGEDCO portal with marks as 20.667 in another place in his computer and then he may



W.P.No.6188 of 2017

manipulated the mark as 55.667. In view of the position stated above, the 3rd respondent was not in a position to allow the petitioner to appear in the interview. The learned counsel for the 3rd respondent produced the typedset of papers wherein the OMR Answer Sheet of the petitioner was also attached.

On going through the same, it is seen that the petitioner has got the mark of 20.667% and his Application Number is A0035774 and his Hall Ticket Number is 800301162. Further, it is found that the petitioner has obtained only a lesser mark below the cut off marks for the petitioner's community. Therefore, the petitioner could not establish his claim. Hence, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

02.11.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps



W.P.No.6188 of 2017

WEB COPY

To

- 1 The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai-02
- 2 The Tamil Nadu Generation and Distribution Corporation Ltd.,
rep by the Secretary,
144, Anna Salai,
Chennai-02.
- 3 The Chief Engineer/ Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna salai, Chennai-02.



WEB COPY



W.P.No.6188 of 2017

V.BHAVANI SUBBAROYAN, J,

mps

W.P.No.6188 of 2017
and
W.M.P.No.6673 of 2017

02.11.2023