



WP(MD)No.12145 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.(MD)No.12145 of 2020

and

W.M.P.(MD) Nos.10452, 10453 and 10456 of 2020

K.Murugan

... Petitioner

Vs.

1) The Chairman-cum-Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.

2) The Chief Engineer / Personnel,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.

3) The Chief Engineer / Appointment,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records in the 3rd respondent impugned Letter No.026920/307/G.55/G.552/2019



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dated 03.06.2019 and consequential recruitment notification No.4/2020 dated 15.02.2020 in respect of the post of Assistant Engineer (Electrical) allotted for differently able persons – Multiple disability category alone and to quash the same as illegal and consequently direct the respondents to appoint the petitioner for the post of Assistant Engineering (Electrical) on the basis of the mark obtained by the petitioner in the recruitment No. 1/2018 dated 14.02.2018 conducted by the second respondent in the differently able persons multiple disability BCO (G) category.

For Petitioner : Mr.V.Thirumal
For Respondents : Mrs.M.Parameswari

ORDER

This writ petition has been filed challenging the letter of the third respondent dated 03.06.2019 and the consequential recruitment notification No.4/2020 dated 15.02.2020, in respect of the post of Assistant Engineer (Electrical) allotted for differently able persons – Multiple disability category alone and to quash the same and consequently direct the respondents to appoint the petitioner for the post of Assistant Engineering (Electrical), on the basis of the mark obtained by him in the recruitment No.1/2018, dated 14.02.2018, conducted by the second respondent in the differently abled persons multiple disability



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BCO (G) category.

2. The case of the petitioner is that he has completed B.E., (Electrical and Electronics) Engineering course at National College of Engineering at Tirunelveli in the year 2006. He belongs to Backward Class Community and he has suffered 60% of disability of Orthopedically Handicapped (One Leg). The second respondent has issued a Notification for direct recruitment to the post of Assistant Engineer (Electrical) and Assistant Engineer (Civil) in Notification No. 1/2018, dated 14.02.2018 and two posts were allotted for appointment of Assistant Engineer (Electrical) for differently abled persons. The petitioner has participated in the examination and secured 21.33 marks. However, he was not selected. The cut of mark was published by the respondents for certificate verification in EEE under differently abled persons category and they fixed cut of mark GR (W) 15.33, MBC (GL) – 25.33 and MBC (W) -11.67 in the locomotor disability category and they have not assigned cut of mark for BCO (GL) – Backward class - Men in the locomotor disability category, wherein he has secured 21.33 marks.



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Hence, the petitioner has made a complaint regarding the irregularity before the Chief Minister on 11.02.2019. Pursuant to which, the third respondent has passed the impugned order on 03.06.2019, stating that there is no post allotted for BCO Locomotor category. Thereafter, the second respondent has issued recruitment notification No.4/2020, dated 15.02.2020, wherein for BCO (G) -2 posts were allotted. Hence, the petitioner has made a detailed representation to the respondents 1 and 2 , requesting them to appoint him for the post of Assistant Engineer (electrical) on the basis of the mark obtained in 2018 recruitment. But the said request was not considered by the respondents 1 and 2. Hence, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that admittedly the petitioner has secured 21.33 marks and he is a meritorious candidate in the category of differently abled persons and no other person is available except the petitioner. However, the petitioner's candidature was not considered, which is not sustainable one. Therefore, he prayed for appropriate orders.



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4. Per contra, the learned counsel appearing for the respondents would submit that admittedly in Cycle No.5 disabled persons category, BCO (P) is allotted in respect of PH Autism and BCO (W) is allotted in respect of PH Deaf and in Cycle No.6, BCO is allotted in respect of PH Autism and BCO is allotted in respect of PH Blind. One P.Sangavi, who secured 17.00 marks in the category of BCO (W) PH Deaf. Subsequently, two persons, who suffered with Autism filed a writ petition before this Court and obtained an order and they secured 34.67 marks and 27.33 marks respectively. Whereas, the petitioner has secured only 21.33 marks. Prior to him, there are 22 candidates available and first of all, the third respondent has to consider the said 22 persons and thereafter, the petitioner turn will come. Hence, he prayed for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.



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6. The facts in the present case are not in dispute. The grievance of the petitioner is that he secured 21.33 marks in BCO disability category, but the person, who secured less marks was considered. However, a perusal of the entire records reveals that the persons, who are selected in Autism category as well as Deaf and Blind category, secured more marks than the petitioner. Further, more than 22 persons having more marks than the petitioner. Hence, the petitioner's candidature was not considered.

7. In view of the above, this Writ Petition is dismissed. However, this order will not stand on the way of the petitioner to secure the candidature, if he reached the zone of consideration. No costs. Consequently, the connected Miscellaneous Petitions are closed.

09.01.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order
akv



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