



W.P(MD)No.203 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.203 of 2019

and

W.M.P.(MD)Nos.164 and 165 of 2019

M.Santhosh

... Petitioner

vs.

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TNEB),
144, Anna Salai, Chennai-600 002.

2.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited (TNEB),
144, Anna Salai, Chennai-600 002.

3.The Registrar,
Anna University,
Guindy, Chennai-600 025.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to conduct an enquiry on the allegation of “Leakage of Question Paper” of the written examination held on 30.12.2018 and to cancel the Written examination held on 30.12.2018 and consequently to direct the respondents 1 and 2 to consider the petitioner's representation dated 29.12.2018 and follow transparency in the recruitment process to the post of Assistant Engineer (Electrical) and Assistant Engineers (Civil) in TANGEDCO (TNEB) by conducting the written examination afresh by preparing a fresh question paper, supplying a copy of the question paper, copy of Duplicate OMR sheet of the written test, publishing key answers for the written test and publishing the overall mark/merit list of all the candidates appeared for the written test and prescribing weightage marks for academic performance (marks), to grant weightage marks for practical knowledge/experience/apprentice service etc in respect of the Recruitment Notification No.1/2018, dated 14.02.2018 issued by the second respondent within a time frame limit.

For Petitioner : Mr.T.Sakthikumaran

For Respondents : M/s.M.Parameswari
Standing Counsel (for R1 & R2)

Mr.M.Rajarajan (for R3)



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ORDER

This Writ Petition is filed for a Mandamus directing the respondents to conduct an enquiry on the allegation of leakage of question paper of the written examination held on 30.12.2018 and to cancel the written examination held on 30.12.2018 and consequently to direct the respondents to consider the petitioner's representation, dated 29.12.2018 and follow transparency in the recruitment process.

2.As far as the first limb of the prayer is concerned, it is now placed on record that the selection in question has been proceeded further and the candidates are selected and appointments and the selection process is over. According to the respondents, the apprehension of the petitioner is only based on the news paper reports and so long as there is no further evidence, the respondents could not take any further action. In this regard, eventhough the learned counsel for the petitioner would submit that it is not that they are relying upon any fake news item and that the matter is reported widely in all the reputed news papers and eventhough this Court is willing to take cognizance of the news



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items in the news paper, but any direction for enquiry cannot be passed solely on the news paper report alone especially when even after filing of the counter denying any such leakage when the petitioner is unable to provide any proof whatsoever, no relief can be granted in respect of the first prayer. As a matter of fact, it is the allegation that the question papers were circulated extensively in the Whats App messages. No proof in respect thereof is also before this Court. Therefore, I am unable to accede to the first limb of the prayer.

3.As far as the second limb of prayer is concerned, the petitioner has made a representation on 29.12.2018 that the TNEB should not recollect the written examination question paper, TNEB should furnish a duplicate copy of the OMR sheet and TNEB should change the selection process by giving weightage for the academic marks and experience and to announce the publication date of academic marks and experience and also regarding syllabus. These are suggestions made by the petitioner and it is for the respondents to take into account those suggestions and decide as per their requirements and in accordance with law.



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4. Therefore, to the limited extent, this Writ Petition is disposed of with a direction to the second respondent shall consider the representation of the petitioner dated 29.12.2018 within a period of three months from the date of receipt of a copy of this order and communicate the reply in writing. It is also made clear that it is for the second respondent to decide as to the procedure for selection as well as for the criteria for selection etc. No costs. Consequently, connected miscellaneous petitions are closed.

06.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sjj

To

1.1. The Chairman and Managing Director,
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Corporation Limited (TNEB),
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2. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
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3.The Registrar,
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ORDER MADE IN
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