

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8929 of 2017
and
W.M.P(MD)No.6829 of 2017

R.Viji

... Petitioner

Vs.

1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
Represented by its Chairman cum Managing Director,
No.144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer (Personnel),
TANGEDCO,
N.P.K.R.R.Maligai,
No.144, Anna Salai,
Chennai- 600 002.

3.The Senior Personnel Officer/Recruitment,
TNEB Building, 8th Floor,
N.P.K.R.R.Maligai,
144, Anna Salai
Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the

records pertaining to the impugned order in Lt.No.024773/349/G.55/G.551/2017, dated 17.04.2017 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the respondents to consider for appointment to the post of Assistant Engineer (Electrical) under the BCO (Priority) Dependent of Ex-Serviceman Category.

For Petitioner : Mr.S.Louis

For Respondents : M/s.M.Parameswari
Standing Counsel

ORDER

The present writ petition has been filed challenging the impugned order, dated 17.04.2017 and consequential direction to the respondents to consider the appointment of the petitioner to the post of Assistant Engineer (Electrical) under the BCO (priority) Dependent of Ex-Serviceman Category.

2. The petitioner is qualified to the post of Assistant Engineer (Electrical). The respondents have issued an advertisement for recruitment for the post of Assistant Engineer (Electrical) and the petitioner has applied for the same. At the time of applying through online, the petitioner submitted her

application under BCO (General) category. Though the petitioner belonging to a priority category of “Dependent of Ex-serviceman”, the petitioner did not upload the same in the online application and those who required age relaxation by virtue of any priority alone were required to produce evidence for such claim. In the respondent website, it was published that if there is any correction in the application form for the recruitment, the same could be done so through Email or to the 3rd respondent in person. Accordingly, the petitioner informed the 3rd respondent that she belonged to the BCO (Priority) Dependent of Ex-serviceman category. The petitioner attended the written examination and has scored 19 marks and the cut-off marks for the BCO GL(Priority) is only 10.67 marks and for BCO (W), the cut-off was 9 marks only. Hence, the petitioner went to the office of the 2nd respondent and enquired. Since the petitioner did not get proper response, the petitioner submitted a representation, dated 04.03.2017 and filed W.P(MD)No.4119 of 2017. This Court vide order, dated 10.03.2017 directed the respondents to consider the petitioner’s representation and disposed of on merits.

3. The 2nd respondent had issued various call letters to the candidates indicating that the interview was scheduled on 13th March to 16th March 2017. The petitioner did not receive call letter. The petitioner thereafter submitted the Court order and indicated the petitioner is ready to attend the interview. However, the petitioner was prevented from attending the interview. A further contention of the petitioner is that one Kannadasan was also prevented and he approached the Hon'ble Court and obtained positive order to issue appointment orders and the said Kannadasan was appointed. Since the petitioner was not granted any appointment order, the petitioner is before this Court challenging the impugned order.

4. In the impugned order, the respondents have stated that the petitioner has not rectified the application in order to indicate she belongs to priority category. Since, the application has not been rectified and the petitioner is not entitled to claim such priority quota. But the contention of the petitioner is that since the recruitment notification says destitute widows and the ex-serviceman will not be considered under the priority quota while submitting the application through online, the petitioner has not indicating that she belongs to priority

quota coming under the ex-service man. However, the respondents while recruiting the Assistant Engineer (Electrical), has considered the priority quota under destitute widow as well as the ex-service man, even though the notification says they will not consider for ex-service man. Therefore, the petitioner did not indicate that she belongs to priority quota under ex-service man. But the respondents have subsequently issued a notification that the rectification can be carried out and re-submitted either in person or email. The petitioner has submitted a rectification through email. In spite of the same, the respondents have not considered. It is because of the mistake in the notification, the petitioner has lost the valuable opportunity.

5. Therefore, this Court is inclined to allow the writ petition. The impugned order is set aside. The 2nd respondent is directed to issue an appointment order to the petitioner. The petitioner shall be considered in the existing vacancy. The above said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above said direction, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

06.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

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