



W.P.(MD)No.19322 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.19322 of 2016

and

W.M.P.(MD)Nos.13935 and 13936 of 2016

S.Pandeeswari

... Petitioner

vs.

- 1.The Chairman / Managing Director,
Office of Tamilnadu Generation and
Distribution Corporation Limited (TNGEDCO),
No.144, Anna Salai, Chennai - 2
- 2.The Chief Engineer (Personal),
Office of Tamilnadu Generation and
Distribution Corporation Limited(TNGEDCO),
No.144, Anna Salai, Chennai - 2
- 3.The Commissioner,
Commissionrate of Employment and Training,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.



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4.The Assistant Director,
The District Employment Office,
K.Pudur, Madurai - 7

5.The District Employment Officer,
District Employment Office,
Dindigul District, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.023582/143/G. 56/G.562/2015-7, dated 16.09.2016, passed by the Respondent No.2 and to quash the same as illegal and consequently, to direct the respondents to appoint the petitioner as Assessor Gr-II following the Act 4 of 2009 i.e., the Tamil Nadu Arunthathiyars (Special Reservation of Seats in Educational Institutions including Private Educational Institutions and appointments of posts in the services under the State within the reservation for the Scheduled Castes) Act, 2009 and Rules notified in G.O.Ms.No.50, Adi-Dravidar and Tribal Welfare (TD2) Department, dated 29.04.2009 and G.O.Ms.No.65, Personal and Administrative Reforms (K) Department, dated 27.05.2009, in Tamilnadu Electricity Board in any existing or further vacancy with consequential benefits.



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For Petitioners : Mr.G.Karthik
for Mr.S.Rajasekar
For R1 & R2 : Mr.M.Parameswari
For R3 to R5 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the impugned order, dated 16.09.2016, passed by the Respondent No.2 and consequently to direct the respondents to appoint the petitioner as Assessor Gr-II following the Act 4 of 2009 i.e., the Tamil Nadu Arunthathiyars (Special Reservation of Seats in Educational Institutions including Private Educational Institutions and appointments of posts in the services under the State within the reservation for the Scheduled Castes) Act, 2009 and Rules notified in G.O.Ms.No.50, Adi-Dravidar and Tribal Welfare (TD2) Department, dated 29.04.2009 and G.O.Ms.No.65, Personal and Administrative Reforms (K) Department, dated 27.05.2009, in Tamilnadu Electricity Board in any existing or further vacancy with



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consequential benefits.

2.The petitioner belongs to Scheduled Caste (Arunthathiyar) community and is qualified to the post of Assessor Gr-II. The petitioner participated in the recruitment process and has secured 49.79. But the cut off marks fixed for Scheduled Caste (Arunthathiyar) is 60.05 for SC (General Non-Priority) category.

3. The contention of the petitioner is that the respondents have not followed the Act which grants reservation for Scheduled Caste (Arunthathiyar).

4.The contention of the respondent Corporation is that the said Act was published in the year 2010 and the respondent Corporation has adopted the same in the year 2010. But, the notification was issued in the year 2009 itself. On 04.10.2006, the respondents have initiated to fill



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up 600 vacancies by issuing B.P.(FB)No.22, (Adm.Branch), dated 04.10.2006 and they have called for a list of candidates in the ratio of 1:5 as per G.O.Ms.No.18, dated 25.02.2008. Therefore, the respondents have followed the recruitment process from 25.02.2008. The Act has come into effect subsequently in the year 2009 only. The claim of the petitioner cannot be considered, since the Act has come subsequent to the initiation of the recruitment process. Moreover, the petitioner has secured marks far below the cut off marks prescribed in the SC category. Therefore, the petitioner is not entitled to.

5. The learned Counsel for the petitioner relied on the order passed in W.P.(MD)No.1770 of 2010, dated 19.12.2013. The said writ petition is filed in the year 2010 and there was an interim order to keep one post vacant.



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6. Therefore, this Court directed the respondents to consider the appointment of the petitioner in the existing vacancy, since one post was kept vacant pursuant to the order, dated 16.02.2010, under Scheduled Caste – Arunthathiyar. The Learned Single Judge has further held that since there is a modification in the reservation policy, the respondents are bound to follow the same. Based on that principal, the Learned Single Judge has granted the relief to the petitioner. The petitioner has submitted a representation after the order passed in W.P.(MD)No.1770 of 2010. Hence, the respondents have rejected the petitioner's claim as belated claim.

7. Therefore, this Court is of the considered opinion that the rejection is absolutely right. The petitioner is not entitled to, since he has approached this Court belatedly. Hence, the writ petition is dismissed.



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No costs. Consequently, connected miscellaneous petitions are closed.

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

14.03.2023

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To

- 1.The Commissioner,
Commissionrate of Employment and Training,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.
- 2.The Assistant Director,
The District Employment Office,
K.Pudur, Madurai - 7
- 3.The District Empployment Officer,
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