



W.P.(MD)No.3451 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 3451 of 2016

and

W.M.P(MD)No.3055 of 2016

S.Loganathan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by Secretary to Government,
Tamil Nadu Electricity Board,
Fort Saint George, Chennai -600 009.

2. The Chief Engineer, (Personnel),
Tamil Nadu Generation and
Distribution Corporation,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records relating to the Notification No.1/2015 dated 28.12.2015 on the file of Tamil Nadu Generation and Distribution Corporation Limited represented by the Chief Engineer (Personnel), the 2nd Respondent herein, quash the same and direct the Respondents herein to issue fresh notification of selection of more number of Assistant Engineers on the basis of existing vacancies exclusively for those who



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have already completed apprenticeship and those who were sponsored by Employment Exchange.

For Petitioner	: Mr.K.Sreekumaran Nair
For R-1	: Mr.N.Muthu Vijayan, Special Government Pleader
For R-2	: M/s.M.Parameswari, Standing Counsel

ORDER

This writ petition is filed challenging the Notification No.1/2015 dated 28.12.2015, wherein through this notification the 2nd respondent has initiated selection process to appoint Assistant Engineers, on the basis of the existing vacancies.

2. Heard Mr.K.Sreekumaran Nair, learned counsel appearing for the petitioner and M/s.M.Parameswari, learned Standing Counsel, appearing for the respondent. Perused the material documents available on record.

3. The contention of the petitioner is that he has completed Apprenticeship training and he has enrolled himself in the District Employment Exchange. The respondent issued notification to recruit 5000 Assistant Engineers.



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The Service Rules of the Respondent Corporation, empowers the respondent to recruit, by calling names from the Employment Exchange. Therefore, issuance of such notification and calling applications from the general public is against their own Regulation. Moreover, the respondents have not granted any preference to the persons, who have completed Apprenticeship Training. Hence the petitioner had filed this writ petition to quash the notification as far as it calls application from general public.

4. The claim of the petitioner is to recruit Assistant Engineers based on the employment seniority and grant them appointment. If this claim of the petitioner is allowed then the appointment would not be based on merit and ability at all and hence such recruitment would result in recruiting inefficient candidates. Moreover in public employment equal opportunity should be granted to all the eligible candidates. Exactly for this reason the Hon'ble Supreme Court had rendered a judgment dated 13.04.1987 in ***Union of India and others Vs N. Hargopal and others reported in (1987) 3 SCC 308***, followed in ***Excise Superintendent, Malkapatnam, Krishna District, A.P., Vs. K.B.N.Visweshwara Rao and others reported in (1996) 6 SCC 216*** that the employer should call for a



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list of candidates from the Employment Exchange as well as should issue a paper publication and also affix notice in prominent places, so that all the eligible candidates would get an opportunity to participate in the recruitment process. After applications are received then the employer ought to scrutinize the application, conduct examination and interview and follow reservation policy, then select meritorious candidate. Since the issue is already decided by the Courts, hence the claim of the petitioner to appoint based on the employment seniority cannot be entertained.

5. The next issue raised by the petitioner is that the Apprenticeship trained person should not be directed to write examination and attend interview. This issue is also settled by the judgments of various courts, wherein it held that the Apprenticeship Trained persons should participate in write examination and attend interview, however preference would be given while selecting along with others. The Apprenticeship Trained persons would be given some weightage, apart from this they cannot claim any extra preference against the other candidates. Since, this issue is also already settled, hence this writ petition cannot be entertained.



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6. Accordingly, this Writ Petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 3451 of 2016**

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