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W.P. No. 1212 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 1212 of 2019

and

W.M.P. No. 10620 of 2024

V.C. Deepak Saravanan

... Petitioner

Vs.

Chennai Metropolitan Water Supply
and Sewerage Board,
Rep., by its Managing Director,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 002.

... Respondent

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to publish the question papers, key answers, and to publish the marks secured by all the candidates and to publish merit rank list for all the candidates appeared for the written examinations in the recruitment process initiated by the respondent through Advertisement dated 04.02.2017 and further direct the respondent to proceed with the recruitment only based on the said published merit list.

For Petitioner : Mr. A. Mohamed Ismail
For Respondent : Mr. Krishna Ravindran,
Standing Counsel



W.P. No. 1212 of 2017

ORDER

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This Writ Petition has been filed originally seeking a writ of mandamus directing the respondent to publish the question papers, key answers and to publish the marks secured by all the candidates and to publish merit rank list for all the candidates appeared for the written examinations in the recruitment process initiated by the respondent through Advertisement dated 04.02.2017 and for a further direction to the respondent to proceed with the recruitment only based on the said published merit list.

2. A counter affidavit has been filed by the respondent.

3. Subsequently, the petitioner filed a petition in W.M.P. No. 10620 of 2024 seeking permission to amend the prayer as herein under: -

“It is prayed that this Court may be pleased to issue a Writ of Declaration, declaring that the recruitment made in pursuance to the Recruitment Notification of the respondent dated 04.02.2017 as illegal and consequently direct the respondent to publish the question papers, key answers, and to publish the marks secured by all the candidates and to publish merit rank list for all the candidates appeared for the written and oral examination in the



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recruitment process initiated by the respondent through Advertisement dated 04.02.2017 and to redo the exercise of recruitment and pass such other order as this Court may deem fit and necessary and thus render justice”

4. On behalf of the respondent, a counter affidavit has been filed opposing the amendment petition.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Board.

6. Learned counsel for the petitioner would submit that, as per the law laid down by the Apex Court, recruitment for any Government service shall be purely on merit consideration subject to the rules of reservation and in a transparent manner. All these dictum of the Apex Court has been thrown in the winds firstly by not permitting the candidates to take the question paper along with them after the examination. Learned counsel further submits that the recruitment agency is also bound to publish the key answers so as to enable the candidates to verify their answers with the key answers. In the present case, petitioner and other candidates are left in dark as to whether they were awarded the correct marks as they deserve. As such, the learned counsel would submit that non-disclosure of the key answers



creates serious doubt as to the proper awarding of marks. In the present case, the results have not been published with the marks scored and the cut off marks for each reserved and unreserved categories, which vitiates the recruitment process and throws the light on the possible malpractice at various levels and accordingly, the learned counsel sought to set aside the entire selection process made pursuant to the Advertisement dated 04.02.2017, by allowing the writ petition.

7. On the other hand, the learned Standing Counsel for the respondent-Board would submit that, the notified posts and vacancies have been filled up by the suitable and qualified candidates by the Selection Committee constituted for the purpose and no such notified post is kept pending out of the notified recruitment. Learned Standing Counsel further contends that the petitioner after a lapse of more than 7 years has now come forward with the present amendment petition to declare the recruitment made in pursuance to the recruitment notification of the respondent dated 04.02.2017, as illegal which attracts laches and inordinate delay in filing the amendment petition to amend the prayer of the petition filed during the year 2019 is not maintainable. Learned Standing Counsel further contends that the present writ petition itself has become infructuous, in view of the reason that the notified posts are already filled up by the qualified and suitable candidates and sought to dismiss the writ petition.



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8. Having heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Board and on perusal of the material available on record, it appears that the entire recruitment process pursuant to the Advertisement dated 04.02.2017 has been duly completed with guidelines and help of the Anna University who conducted the written examination and the selection process was conducted by the respondent-Board. The list of the selected candidates have been published and also it is available in the official website. All the successful candidates have been recruited and are working on the rolls of the respondent-Board.

9. Under these circumstances, in our considered view, interference of this Court in the selection process made pursuant to the notification dated 04.02.2017 is unwarranted, as already the selected candidates are working from the year 2019 in the selected posts.

10. Accordingly, this Writ Petition is dismissed.

11. At this stage, the learned counsel for the petitioner submits that appropriate orders may be passed directing the respondent to entrust the selection process of the respondent-Board in future for any appointment through the Tamilnadu Public



W.P. No. 1212 of 2017

Service Commission instead of entrusting recruitment work to the Anna University.

In reply to the same, the learned Standing Counsel for the respondent would submit that already the respondent-Board decided to entrust the recruitment work to the TNPSC hereinafter. It is placed on record.

12. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

07.11.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To
The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 002.



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W.P. No. 1212 of 2019

BATTU DEVANAND, J.

AT

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