



W.P. No.17472 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.17472 of 2011

M.Raja

... Petitioner

Vs.

1.The Tamil Nadu Electricity Board,
Chennai – 60 002.
represented by its Chairman.

2.The Chief Engineer (Personnel)
Administrative Branch,
Tamil Nadu Electricity Board,
Chennai – 600 002.

3.Mani.S

4.Usha.G

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of certiorarified mandamus, calling for the records of the second respondent relating to Lr.No.004229/55/G56/G562/2010-1 dated 15.04.2010, quash the same and issue consequential directions to the 1 and 2 respondents to appoint the petitioner as Assessor, Grade II.

For Petitioner : Mr.M.Ravi



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For R1 & R2 : Mr.K.Rajkumar
for TNEB

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ORDER

The petitioner herein, who was aged 40 years on the date of filing of present writ petition approached this Court seeking writ of certiorarified mandamus to call for the records in connection with Letter No.004229/55/G56/G562/2010-1 dated 15.04.2010 of the 2nd respondent, and to quash the same and further sought for consequential direction to appoint the petitioner as Assessor, Grade II.

2. In response to the recruitment process initiated by the 2nd respondent for filling up the post of Assessor, Grade II in Tamil Nadu Electricity Board, the petitioner herein participated in the selection process under the Scheduled Caste category and emerged as an unsuccessful candidate. It was thereafter, the petitioner approached this Court by filing W.P.No.26519 of 2019 to declare that the selection procedure i.e. by direct recruitment to the post Assessor Grade II pursuant to the interview conducted by the 2nd respondent as illegal and ultra vires. The said writ petition was disposed of by this Court, by an order dated 24.02.2010, directing the respondents to publish the results of the petitioner pursuant to his



participation in interview on 22.06.2009. It is pursuant to the same, the result of the petitioner was declared through the impugned proceedings dated 15.04.2010 stating that the petitioner who belongs to Scheduled Caste candidate had secured only 53.72 marks in SSLC examination, and 4 marks in interview and whereas, the cutoff fixed for Scheduled Caste category is 60.05 marks, and the petitioner did not come within the zone of consideration for being appointed to the post of Assessor, Grade II. It is aggrieved by the said proceedings, dated 15.04.2010, the petitioner approached this Court by filing the present writ petition.

3. It is the contention of the learned counsel appearing for the petitioner that out of the 100 marks earmarked for assessment of the candidature, 85 marks were earmarked for the marks secured in SSLC and whereas 15 marks is meant for interview. Though petitioner herein secured 53.72 marks for the performance in SSLC, he was only awarded 4 marks for interview and thereby, the petitioner was not allowed for selection. Whereas, the persons who secured lesser marks for their performance in SSLC were awarded more marks in interview and thereby, they could come within the zone of consideration for appointment and thus, the respondents acted



arbitrarily in awarding marks in the interview i.e. 15 marks out of 100 marks.

The learned counsel has also drawn the attention of this Court to the marks awarded to the various candidates in the interview, and their performance in the SSLC examination and submitted that the persons who secured higher marks in SSLC were awarded less marks in interview and the persons who secured less marks in SSLC were awarded more marks i.e. 15 marks for interview and thereby, they were all made to come up for selection in an arbitrary manner. He also further submitted that the number of persons who are less qualified than the petitioner are allowed to be selected by ignoring candidature of the petitioner, who is going to become age bar and ineligible for future recruitment.

4. This Court has carefully considered the submissions made by the learned counsel for the petitioner and also perused the counter affidavit filed by the 2nd respondent.

5. From perusal of the list of candidates placed before this Court and the marks secured by the said candidates in the SSLC, and the interview, it appears that the candidates who secured less marks in SSLC examination were awarded more marks in the interview and whereas, the candidates who



secured more marks in SSLC were awarded less marks in the interview, thereby, merit of candidates who secured less marks in SSLC examination is changed drastically. But basing on the said sole consideration, this Court cannot come to the conclusion that there is something fishy in the process of conducting recruitment. It is not necessary that the candidates who secured higher marks in SSLC examination would perform in the same manner during the course of oral interview as well. The performance in interview depends upon various factors including behaviour, promptness and sharpness of each candidates, how he/she respond to the questions put up by the interview Committee, etc.

6. In the absence of any specific malafides against the persons who conducted the interview, this Court, on mere suspicion, cannot come to the conclusion that there appears to be something fishy in which the interview marks were awarded and cannot disregard the selection list, which was finalized as early as in the year 2009.

7. As already noted above, the petitioner is aged about 60 years now and the writ petition came to be filed at the age of 54 years. Except



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bringing to the notice of this Court about suspicion in the process of interview, there is no other material that is brought to the notice of this Court to find fault in the selection process and the manner in which marks were awarded for the interview.

8. In the light of the above, this Court is not inclined to interfere with the selection process and as admittedly, the petitioner has not reached the cut off marks, In the circumstances, this Court does not find any error or illegality in the impugned proceedings dated 15.04.2010. Accordingly, this writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa

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