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W.P. No. 5666 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 5666 of 2018
and
W.M.P. No. 7010 of 2018

M. Ramya

... Petitioner

Vs.

1.The Chief Engineer,
Tamilnadu Generation and
Distribution Corporation Ltd.,
Administrative Branch,
Anna Salai, Chennai – 2.

2.K. Kalaiyarasi
Administrative Junior Assistant,
O/o SE/ General Construction Circle,
TNEB, Salem District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent selection list dated 28.02.2018 for the post of Junior Assistant 2016-2018, quash the same with respect to second respondent and consequently direct the first respondent not to approve the appointment of the second respondent for the Junior Assistant post in ST category.

For Petitioner : Mr. S.N. Subramani

For Respondents : Mr. K. Rajkumar, Standing Counsel



ORDER

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This Writ Petition has been filed against the selection list dated 28.02.2018 for the post of Junior Assistant 2016-18 in the first respondent Corporation with respect to the second respondent and for a consequential direction to the first respondent not to approve the appointment of the second respondent for the post of Junior Assistant in the Scheduled Tribe category.

2. Learned counsel for the petitioner would submit that, she belongs to ST Category and she passed B.Sc. She made application for the post of Junior Assistant (Admin) as per the notification issued by the first respondent on 29.02.2016. 100 posts of Junior Assistant (Admin) are notified. As the petitioner possessed the requisite qualifications, she made application. She was called for written examination on 28.08.2016 and also called for interview. She got 20.55 marks but the first respondent included the name of the second respondent in the selection list who got only 12.25 marks.

2.1 The contention of the petitioner is that, the first respondent illegally included the name of the second respondent in the selection list to the post earmarked for the ST category, though she got only 12.25 marks. Learned counsel further submits that, her case also to be considered under Tamil medium quota. As such, the action of the first respondent in including the name of the second respondent instead



of the petitioner, is illegal and sought to quash the same by allowing the writ petition.

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3. On the other hand, the learned Standing Counsel for the first respondent based on the averments made in the counter affidavit filed by the first respondent would submit that, both the petitioner and second respondent belongs to ST Category. The cut-off marks for ST (General) community was initially 32.22. However, on verification, the cut-off marks was revised for ST community under ST (priority) (PSTM) as 4.29. The petitioner who scored only 10.56 marks in the written examination was called for interview based on the revised cut-off marks for ST category and her erroneous submission of application stating that she possess PSTM Certificate (Persons Studied in Tamil Medium). Infact, she is not eligible to be called for interview, as she did not complete the prescribed educational qualification while submitting the application. As such, the second respondent who comes under the category of priority of Tamil Medium candidate, she was selected as Junior Assistant / Administration, even though, she scored lesser marks than the petitioner. The learned Standing Counsel, accordingly submits that there is no irregularity or infirmity in the order of the action of the first respondent in selecting the second respondent and sought to dismiss the writ petition.



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4. Having heard the submissions of the respective counsel and on careful examination of the material available on record, it is clear that, the petitioner studied SSLC, HSC, Graduate Science and Graduate Education in English Medium. She studied Diploma Teaching only in Tamil Medium. As such, infact, she is not entitled to make application for that post which was reserved for ST (Priority) (PSTM). But, it appears that the first respondent erroneously allowed her to attend the written examination and called for interview. Thereafter, during scrutiny of the certificates, it is noticed that the petitioner will not come under the category of ST (Priority) (PSTM) and accordingly, they selected the second respondent, who is fully eligible for that post.

5. In view of the above, in the considered opinion of this Court, there is no irregularity or infirmity in appointing the second respondent in the post of Junior Assistant (Admin) reserved for Scheduled Tribe (PSTM) category.

6. Accordingly, this Writ Petition is dismissed.



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

10.12.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

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BATTU DEVANAND, J.

AT

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