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W.P.No.9387 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9387 of 2024 and
WMP.Nos.10399 & 10402 of 2024

S.Kabilan

... Petitioner

Vs.

- 1.The Commissioner of Sugar,
Directorate of Sugar,
Aavin Illam, Pasumpon Muthuramalingam Salai,
Nandanam, Chennai 600 035
- 2.The District Revenue Officer cum Administrator,
M/s.MR Krishnamurthy Co-op Sugar Mills Ltd.,
Sethiyathope,
Cuddalore district 608 702
- 3.The President,
Electrical Licensing Board,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai 600 032
- 4.Arun Kumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified mandamus calling for the records relating to the impugned order dated 07.03.2024 made in Na.Ka.No.E1/200/2024 passed by the second respondent in appointing 4th respondent as Junior Engineer(Electrical) in 2nd respondent Mill, quash the same and consequently direct the second respondent to appoint the



W.P.No.9387 of 2024

petitioner in the post of Junior Engineer (Electrical) forthwith.

For Petitioner : Mr.R.Sreerangan

For Respondents

For R1 : Mr.S.Arumugam,
Government Advocate

For R2 : Mr.S.Ravikumar,
Special Government Pleader

For R3 : Mr.K.Rajkumar,

For R4 : Mr.C.Prakasam

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 07.03.2024 thereby appointed the fourth respondent as Junior Engineer(Electrical) in the second respondent's Mill.

2. The petitioner is qualified with Diploma in Electrical and Electronics. He was appointed as Masdoor(Seasonal) on 26.06.2006 on compassionate ground by the second respondent's Mill. Thereafter, the petitioner had joined part time Engineering course in Electrical and Electronics in Annamalai University and completed the same. He also



W.P.No.9387 of 2024

completed his Master Degree in Power System Engineering. As a special subject, he had also joined a course in Sugar Engineering and obtained Sugar Engineering Certificate in the month of October 2019. Subsequently, the petitioner was promoted to the post of Electrical Helper on 13.07.2017 and he was appointed as Junior Engineer (Incharge). He was made permanent by an order dated 13.05.2020. While being so, the second respondent issued notification dated 01.02.2024 calling for applications for Junior Engineer (Mechanical) and Junior Engineer(Electrical) with two placements in each category. The petitioner, being qualified to the said post, applied along with other 18 candidates. On receipt of the said application, the second respondent issued call letter to attend the interview. As per the notification, it mandates to produce experience certificate and C Class certificate. The petitioner was issued C Certificate by the third respondent dated 06.06.2008 and the same has been renewed periodically. Further, the second respondent had recommended to give preference to the employees already working in the second respondent-Mill while filling up the vacancies. Though the petitioner has experience and other eligibility criteria, he was not appointed and the fourth respondent was appointed by



W.P.No.9387 of 2024

an order dated 07.03.2024 by the second respondent to the post of Junior Engineer (Electrical).

3. The learned counsel appearing for the petitioner would submit that the fourth respondent is not having qualification to apply for the said post since he produced C certificate which does not show any experience of the fourth respondent for a period of two years. As per the notification, two years experience is mandatory. That apart, on receipt of the application, call letter was issued on 23.02.2024 thereby called upon the candidates to attend the interview to be held on 01.03.2024. Whereas C form produced by the fourth respondent revealed that the said form was issued only on 06.03.2024. Therefore, at the time of applying for the said post and also at the time of attending the interview, the fourth respondent did not possess the experience certificate. Further, he also produced attendance register of the fourth respondent, which shows that he had not worked even for one year in two years period.

4. The second respondent filed counter and Mr.S.Ravikumar, the learned Special Government Pleader appearing for the second respondent submitted that after receipt of the applications, all the



W.P.No.9387 of 2024

WEB COPY

candidates were subjected for written examination. In the written examination, the fourth respondent secured 44 marks out of 60, whereas the petitioner had secured only 32 marks out of 60. There is only one post. Further, the next candidate had scored only 37 marks. Even assuming that the fourth respondent's appointment is cancelled, the petitioner cannot be appointed to the post of Junior Engineer.

5. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

6. Admittedly, the fourth respondent is working in the second respondent's Mill for the past several years. Though he was absented for some period as per the attendance register produced by the petitioner, the fourth respondent is employed with the second respondent's Mill. Further, though he did not possess C certificate on the date of application as well as on the date of interview, it does not mean that the fourth respondent had no experience. On 06.03.2024 itself, the fourth respondent was issued C certificate. The C certificate has been issued only to show the experience. That apart, as per the instructions, it was required, two years



W.P.No.9387 of 2024

WEB COPY

experience in erection or operation and maintenance in High Voltage installation or the applicant should be an Electrical Supervisor Competency Certificate obtained from the Department of Technical Education, Chennai. Therefore, the fourth respondent is fully qualified to be appointed as Junior Engineer in the second respondent's Mills. Further, the fourth respondent is the most meritorious candidate among 19 persons who attended interview. The petitioner is not in the waiting list to be appointed in the place of the fourth respondent. One candidate belongs to MBC scored 37 marks out of 60. Therefore, the contention raised by the petitioner cannot be countenanced. As such, the writ petition itself is devoid of merits and liable to be dismissed.

7. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

24.07.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order



W.P.No.9387 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P.No.9387 of 2024

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