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W.P.No.36990 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.36990 of 2016

K.Balasundari

... Petitioner

Vs.

1. The Tamil Nadu Electricity Board,
rep. by its Chairman,
Anna Salai, Chennai - 600 002.

2. The Tamil Nadu Generation &
Distribution Corporation Ltd.,
Rep. by its Chairman & Managing Director,
Head Quarters Complex, 144,
Anna Salai, Chennai - 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to consider the petitioner's representation dated 01.07.2016 and appoint the petitioner to the post of Technical Assistant/Electrical/Mechanical forthwith in the existing or future vacancies on the basis of the apprenticeship training.

For petitioner : Mr.Rajarajan
For respondents : Mr.K. Rajkumar

ORDER

This writ petition is filed seeking for a mandamus to consider the petitioner's representation dated 01.07.2016 and to appoint the petitioner



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to the post of Technical Assistant/Electrical/Mechanical in the existing or future vacancies on the basis of apprenticeship training.

2. The petitioner underwent apprenticeship training under the Apprentices Act, 1961, at Tamil Nadu Electricity Board, Villupuram from 03.05.2000 to 02.05.2001 in the field of Electrical and Electronics Engineering. The petitioner was awarded a certificate of proficiency by the Board of Apprenticeship training, southern region on 14.09.2001. The Government of Tamil Nadu has passed G.O.MS.No.3142 Labour and Employment Department dated 10.11.1998 in supersession of earlier Government Orders directing that the trained apprentices should be given preference at the time of recruitment and other things which are equal.

3. The petitioner was called for interview for the post of Technical Assistant/Electrical/Mechanical and accordingly, she attended the interview on 10.01.2012. The petitioner was under the impression that she would be considered for the said post but she found that she was not selected for the said post. The petitioner has filed several representations including one on 01.07.2016. However, they were not considered and hence, this writ petition.



4. The respondents have not filed counter affidavit. However, the learned counsel for the respondents submitted that during the course of interview the petitioner did not come into the zone of consideration as the petitioner secured 59.85 marks in SC (W) category whereas the cut off marks for the said category is 69.05 marks and thereby, the petitioner cannot be considered. Therefore, sought for dismissal of this writ petition.

5. Heard both sides and perused the materials available on record.

6. The petitioner is seeking to consider his candidature basing on G.O.Ms.No.3142, Labour and Employment Department, dated 10.11.1998. Paragraph 6 of the said Government Order runs as under:

A. Other things being equal, a trained apprentice should be given preference over direct recruit;

B. A trained apprentice would not be required to get his name sponsored by an Employment Exchange;

C. If age bar would come in the way of trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the service Rules concerned. If the Service Rule is silent on this aspect,



relaxation to the extent of the period for which the apprentice had undergone training would be given;

d. The training institute concerned would maintain a list of the persons trained year-wise. The persons trained earlier would be treated as senior to the persons trained later. I between the trained apprentices preference shall be given to those who are seniors;

e. The apprentices/trainees shall have to go through the process of selection provided under the Service Rules/Regulation and that since the Apprentices acquire training under the same management they are not required to sit in the written test but in a selection where viva-voce test is also provided it would be necessary for the apprentices to go through the process of viva-voce;

f. The Rule of Reservations should be followed while absorbing the apprentices.

7. The petitioner has filed copy of the Board proceedings (Permanent) B.P.(DB) No.20 dated 06.07.1999, wherein paragraph 3 of the same runs as under:

"3. The Board after detailed careful examination ordered that the status quo viz., giving preference of Tamil Nadu Electricity Board Apprentices during recruitment if other



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things being equal over open market candidate be maintained."

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8. The petitioner has also filed a copy of the judgment dated 03.09.2013 in W.P.No.33896 of 2013, wherein certain directions were given to the respondents in respect of similarly placed candidates to issue appointment orders to the candidates who were selected in the interview. In respect of others, the writ petition was dismissed as they were not selected in the interview.

9. According to the learned counsel for the respondents the petitioner was not selected as she did not come into the zone of consideration as her marks was lesser than that of cut off marks, thereby, directions as sought for by the petitioner to consider her and provide appointment are not feasible. However, as per the Board proceedings referred above, during the course of recruitment if other things being equal, over open market candidates preference shall be given to the candidates who have completed apprenticeship.

10. This writ petition is filed in the year 2016 in respect of recruitment for the year 2013, by the time this writ petition was filed, the



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recruitment for the year 2013 must have been completed. However, basing on the petitioner's representation dated 01.07.2016, the respondents did not explain or reply as to why the petitioner could not be considered in the recruitment for the year 2013. Until this writ petition is filed and until the submission made by the learned counsel for the respondents before this Court, the petitioner is not aware of the fact that she could not reach the zone of consideration and that is why she was not selected. Had this reply been given earlier, the petitioner could not have filed this writ petition.

11. Considering the above and on hearing both the sides, this writ petition is disposed of directing the respondents to consider the petitioner's representation dated 01.07.2016 and to give a suitable reply within a period of four weeks from the date of receipt of a copy of this order. Costs made easy.

19.03.2024

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Index	:	Yes/No
Internet	:	Yes/No
Citation	:	Yes/No



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To,

1.

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