



WEB COPY



W.P.No.36991 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM :

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

W.P.No.36991 of 2016

K.Sundaresan

... 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 to



W.P.No.36991 of 2016

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

2. The petitioner underwent apprenticeship under the Apprentices Act, 1961, at Tamil Nadu Electricity Board, Villupuram from 31.12.2001 to 30.12.2002 in the field of Electrical and Electronics Engineering. The petitioner was awarded with a certificate of proficiency by the Board of Apprenticeship training, southern region on 07.05.2003. 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 where other things are equal.

3. The petitioner was called for interview for the post of Technical Assistant/Electrical/Mechanical and accordingly, he has attended the interview on 10.01.2012. The petitioner was under the impression that he will be considered for the said post but he was not selected. The petitioner has filed several representations including one on 01.07.2016. However, they were not considered and hence, this writ petition to issue a direction to the respondents to consider the petitioner in



W.P.No.36991 of 2016

the post of Technical Assistant/Electrical/Mechanical.

WEB COPY

4. The respondents have not filed counter affidavit. However, the learned counsel for the respondents submitted that the petitioner did not come into the zone of consideration as the petitioner has secured 65.32 marks in SC category, whereas the cut off marks for the said category is 78.81 marks and thereby, the petitioner was not 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 for a relief to consider the petitioner's candidature, preferentially basing on G.O.Ms.No.3142, Labour and Employment Department, dated 10.11.1998. Paragraph 6 of G.O.No.1151 Labour and Employment Department, dated 18.07.1979 was substituted 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.

WEB COPY

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. In 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 things being equal over open market candidate be maintained.

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

9. In the case on hand, according to the learned counsel for the respondents the petitioner was not selected as he did not come into the zone of consideration as his marks was lesser than that of cut off marks, thereby a direction to consider her for appointment is not feasible.

10. Since 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



W.P.No.36991 of 2016

recruitment for the year 2013 must have been completed. However, basing on the petitioner's representation dated 01.07.2016, the respondents should have explained 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 he could not reach the zone of consideration. Had this reply been given earlier, the petitioner would 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

vca

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

To,

1. The Chairman,



WEB COPY



W.P.No.36991 of 2016

2. The Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
- The Chairman & Managing Director,
The Tamil Nadu Generation &
Distribution Corporation Ltd.,
Head Quarters Complex, 144,
Anna Salai, Chennai - 2.

DR. D.NAGARJUN,J.



WEB COPY



W.P.No.36991 of 2016

vca

W.P.No.36991 of 2016

19.03.2024