



WEB COPY



W.P.No.16685 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.16685 of 2021

S.Vijaya Prapakaran

...Petitioner

-Vs-

1.The Chief Engineer (Personnel),
Administrative Branch,
8th Floor,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai 600 002.

2.M.Shanmugam,
Technical Assistant/ Electrical,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Declaration, to declare the selection of the second respondent belonging to Backward Class for the post of Technical Assistant/ Electrical in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) is illegal and consequently, to direct the first respondent to select and appoint the petitioner who has secured 36 marks in the written test and interview and belonging to Backward Class as Technical Assistant/ Electrical in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) in the place of the second respondent pursuant to the Notification No.01/2016, dated 28.02.2016.



WEB COPY



W.P.No.16685 of 2021

For Petitioner : M/s.Nalini Chidambaram for
M/s.C.Uma

For Respondents : Mr.K.Rajkumar, Standing Counsel

ORDER

This writ petition is filed to declare the selection of the second respondent belonging to Backward Class for the post of Technical Assistant/ Electrical in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), is illegal and consequently, to direct the first respondent to select and appoint the petitioner, who has secured 36 marks in the written test and interview and belonging to Backward Class as Technical Assistant/ Electrical in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) in the place of the second respondent pursuant to the Notification No.01/2016, dated 28.02.2016.

2. Heard the learned counsel on both sides and perused the materials available on record.

3. The learned counsel for the petitioner submitted that Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) issued a Notification No.01/2016 dated 28.02.2016 inviting applications for 500 posts of



W.P.No.16685 of 2021

Technical Assistants/ Electrical and 25 posts of Technical Assistants/

Mechanical. The petitioner applied for the same and written the examination and also attended the interview and secured 36 marks out of 100. Out of selection list comprising of 455 candidates, 9 candidates did not join the post of Technical Assistants/ Electrical. Thereafter, on 01.04.2019, TANGEDCO published the waiting list comprising 23 candidates and the petitioner was included in serial No.10. TANGEDCO filled up 9 unfilled vacancies with the candidates in Serial Nos.1 to 9, out of 9 candidates, the candidate in Serial No.5 was admitted under the inter-caste marriage category on priority basis even though the said candidate has secured only 20.82 marks. The Clause 13 of the Notification gives the list of priority categories and inter-caste marriage is one of the priority category but the said priority category can avail special category reservation only, if applicable. As per Clause 5 of the said Notification, 4 categories are eligible to avail reservation. There is no reservation for inter-caste candidates. Thus, TANGEDCO erred in giving appointment to the second respondent in Serial No.5 of the waiting list under the inter-caste marriage priority category even though he secured only 20.82 marks. If the second respondent had not been given appointment, the petitioner, who is in serial No.10 with 36 marks ought to have been given appointment as Technical Assistant/ Electrical. Hence, the petitioner filed the present petition seeking a



W.P.No.16685 of 2021

direction to the first respondent to appoint the petitioner, who has secured 36 marks as Technical Assistant/ Electrical in the place of the second respondent.

4. The learned Standing Counsel appearing for the respondents submitted that during the year 2015, TANGEDCO in Proceedings No.10, dated 10.12.2015 called for applications to the post of Technical Assistant Electrical and and Technical Assistant Mechanical. The petitioner has applied for the same and appeared for the examination held on 28.08.2016 and based on the written examination, the petitioner was called for viva-voce interview. Thereafter, the selection was made based on the marks obtained in the competitive written examination, interview, academic marks and as per the communal roster. Since the petitioner secured 35.99 marks which is lower than the last candidate selected under BCO(G)/Non priority, he was not considered for the said post. After selection, three candidates have not joined in the post of Technical Assistant/ Electrical. If a candidate selected for appointment does not join duty in the post for which he or she was appointed, his or her provision selection would be cancelled and such vacancies are filled up by the remaining candidates in the waiting list. The same procedure has been followed in the selection made during the month of April 2019. He further submitted that as per Clause 13 of the said notification, there is a reservation for inter-caste marriage



W.P.No.16685 of 2021

candidates in serial No.5. Hence, he prays for dismissal of the petition.

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5. I have carefully considered the rival submissions and went through the materials available on record. As per Clause 5 of the said Notification, 4 categories are eligible to avail reservation. There is no reservation for inter-caste candidates. TANGEDCO erred in giving appointment to the second respondent in Serial No.5 of the waiting list under the inter-caste marriage priority category even though he secured only 20.82 marks. Hence, this Court is of the opinion that the matter can be remitted back to the respondents for fresh consideration. Accordingly, the subject matter in issue is remanded back to the respondents for passing appropriate orders on its own merits and in accordance with law.

6. With the above observations and directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

25.11.2024

Internet: Yes
Index : Yes/No
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VIVEK KUMAR SINGH. J.

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