



W.P.No.545 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **10.07.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.545 of 2014

and

M.P.No.2 of 2014

Jayakodi

...Petitioner

-VS-

1.The Principal Secretary / Commissioner,
Public Department,
Corporation of Chennai,
Rippon Buildings,
Chennai – 3.

2.The Selection Board,
Corporation of Chennai,
Ripon Buildings,
Chennai – 3.

3.A.Subash Rathnakumar

4.S.Vijaykumar

5.J.Sampath Kumar

6.P.Venkatachala Thirupathi



W.P.No.545 of 2014

WEB COPY

7.A.Manikandan

8.S.Kamalkannan

9.M.Babu

10.R.Ivanchallin Sneha

11.S.Ahmeth Asthiq

12.C.Gurumurthy

13.R.Mathialagan

14.L.Rajagopal

15.M.Maniraja

16.R.Revathi

17.G.Arulmaran

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in relation to the proceedings of the 1st respondent in Po.Du.Na.Ka.No.E4/41209/2013 dated 27.12.2013 S.No.7, 8, 23, 32, 36, 42, 51, 57, 61, 67, 68, 74, 75, 78, 82, and quash the same and directing the 1st respondent to appoint the petitioner for the post of Assistant Engineer (Civil).



W.P.No.545 of 2014

For petitioner : Mr.R.Rajarajan
For R1 : Mr.G.T.Subramanian
For R6 to R8,
R10,R11, R13,
R15 to R17 : Mr.Sriram Baskar
For R2, R3, R5
R9, R12 & R14 : No appearance
For R4 : Not ready in notice

ORDER

The petitioner had obtained a Master Degree in Engineering from the University of Vinayaka Mission at Salem, and had registered herself for a Ph.D Course in the SRM University, Chennai. The petitioner, on completion of her B.E Degree in Engineering, had registered herself in the employment exchange at Chennai, on 15.07.2008 and her registration is valid till 14.07.2014.

2. The first respondent had called for the applications for the post of Assistant Engineer (Civil) in the first respondent



W.P.No.545 of 2014

WEB COPY

department. The notification has not been issued in the newspapers.

However, the same was uploaded in the internet, where they have announced 95 vacancies for the post of Assistant Engineer (Civil).

The qualification that was prescribed for the said post was B.E.Civil and the age limit prescribed for O.C. Candidates was 30 years and as far as SC, ST, BC and MBC candidates concerned, no age limit has been stipulated. The notification had also stated that the candidates within the limits of Chennai Corporation would be considered. The cut date for considering seniority for the women and non priority for BC was fixed at 16.10.2012.

3. The first respondent had issued a notice to the petitioner calling her for interview on 07.11.2013 at 10.00 a.m. and directed her to produce her original certificates. The petitioner had also attended the interview with all the original certificates duly attested. The petitioner would submit that she was qualified in all aspects and therefore, waited for the appointment order.



W.P.No.545 of 2014

WEB COPY

4. However, to her surprise, the first respondent had published the selection list on 27.12.2013 vide proceedings in Letter No.E4/41209/2013 listing the name of 87 persons as selected. This included the names of the respondents 3 to 17 herein. However, the marks obtained by the selected candidates were not disclosed and therefore, the petitioner had no inkling as to whether they had scored more marks than her. That apart, the respondents 3 to 17 were residing outside the limits of Chennai Corporation. Therefore, the petitioner had come forward with the above writ petition seeking to quash the same.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The first respondent has filed a counter, in which, in paragraph 5, the reasons for the rejection of the petitioner's candidature has been given. The same would read as follows:



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W.P.No.545 of 2014

“Further, it is submitted that as per G.O.Ms.P and AR Department 142, dated 14.10.2009, for direct recruitment cadre, the revised ratio of 1:4 for Backward Class (Women) respectively priority / non priority has been ordered. Thus by adopting the rotation basis, the selection was processed for communal reservation. In the above methodology, the selection list was made in accordance with law and rules. There were 9 vacancies for the OC (W) non priority. The top 9 candidates who had secured first nine ranks had been selected. The least mark of the 9th candidate selected was 36.50. The petitioner had lost her chance, because she got only 35.85 marks. Hence, the selection was done on a scientific basis and claiming the non-selection as discrimination is not justifiable.”

7. Therefore, on consideration of the above statement, it is clear that the persons who had been selected are the persons who had secured more marks than the petitioner and therefore, they got



W.P.No.545 of 2014

qualified.

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In the light of the above, nothing survives further for the consideration of this Court in this matter. Therefore, the writ petition stands dismissed. Consequently, connected M.P. stands closed. No costs.

10.07.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
ssa

To

1.The Principal Secretary / Commissioner,
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Chennai – 3.

2.The Selection Board,
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W.P.No.545 of 2014

P.T.ASHA, J.,

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W.P.No.545 of 2014

10.07.2024