



W.P.No.17871 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.17871 of 2020
and W.M.P.No.34396 of 2022

K.Mohan Kumara Mangalam

....Petitioner

Vs

1. The Secretary to Tamil Nadu,
Represented by its Secretary to Government,
Welfare of Differently Abled Persons Department,
Fort St. George, Chennai -600 009.

2. The Tamil Nadu Generation and Distribution
Corporation Limited (TANGDCO),
Represented by Chief Engineer/Personnal
NPKR Ramasamy Maligai,
No.144, Anna Salai,
Chennai – 600 002.

3. A Senthil Murugan

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus declaration declaring that the selection of the 3rd respondent who belongs to Locomotor Disability category as Assistant Engineer (Electrical) is illegal and consequently to select and appoint the petitioner who suffers from Hard of Hearing Disability to the post of Assistant Engineer (Electrical) in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) pursuant to Notification No.01/20-18 dated 14.02.2018 issued by the 2nd respondent by following the turns indicated in Schedule VI of Section 27(b) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 in the



W.P.No.17871 of 2020

200 point roster between the Deaf and Hard of Hearing category and Locomotor Disability category while selecting persons with disabilities for the post of Assistant Engineer (Electrical) in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO).

For Petitioner : M/s. Nalini Chidambaram (Sr. Counsel)
for M/s.C.Uma

For R1 : Mr.A.M.Ayyadurai
Government Advocate

For R2 : Mr.K.Raj Kumar
Standing Counsel for TANGEDCO

ORDER

The instant Writ Petition has been filed challenging the appointment of the 3rd respondent as his appointment was not in accordance with 200 point roster.

2. The learned Senior Counsel appearing for the petitioner would submit that, petitioner has challenged the recruitment of Assistant Engineer, as these vacancy has to be filled up only from the persons under the category of Hard of hearing. However, the learned Senior Counsel would fairly submit that the respondent have filled the said post in the same category who secured higher marks than this petitioner, as evident from the respondent's counter statement.



W.P.No.17871 of 2020

3. For easy reference, para (14) of the counter is extracted hereunder:

14) I humbly submit that, the petitioner's averment that he would be selected if the 2nd respondent has distributed the 6 vacancies equally between Hard of Hearing and Locomotor Disability is totally false and denied. The distribution of vacancies belonging to different communities cannot be taken for consideration by the petitioner for getting himself selected. The 3 BCO vacancies were filled purely on merit based on the higher marks scored by the candidates with Physical disability. Even if the petitioner's averment to distribute the 3 vacancies belonging to BC community equally between HH and ID category is considered, there are two more applicants having higher marks than the petitioner for consideration. The petitioner who belongs to Hard of Hearing category has scored only 20.00 marks whereas there are two more petitioners under Hard of Hearing having 25.33 and 22.33 marks respectively which is much higher than the petitioner. Hence, the petitioner will not be selected on any grounds and he was solely not selected based on his lesser marks than similarly placed DAP candidates.

In view of the above specific stand taken by the respondent, there is no merits in the present Writ Petition.

4. In the result, the Writ Petition stands dismissed. Consequently,



W.P.No.17871 of 2020

connected miscellaneous petition is closed. No costs.

28.10.2024

WEB COPY

Index : Yes/No
Neutral Citation : Yes
Speaking order : Yes
Sma

To

1. The Secretary to Tamil Nadu,
Represented by its Secretary to Government,
Welfare of Differently Abled Persons Department,
Fort St. George, Chennai -600 009.
2. The Tamil Nadu Generation and Distribution
Corporation Limited (TANGDCO),
Represented by Chief Engineer/Personnal
NPKR Ramasamy Maligai,
No.144, Anna Salai,
Chennai – 600 002.



WEB COPY



W.P.No.17871 of 2020

C.KUMARAPPAN, J

Sma

W.P.No.17871 of 2020

28.10.2024