



W.P.No.9032 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.9032 of 2017
and WMP.No.9947 of 2017

R. Tamil Selvi

... Petitioner

Vs.

1. The Chairman

Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO)
No.144, Anna Salai,
Chennai 600 002.

2. The Chief Engineer (Personnel)

Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO)
No.144, Anna Salai,
Chennai 600 002.

3. R. Radha Ramanan

4. R. Suganya

5. B.Priyadharsini

6. S.S.Faizal Khan



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PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the respondents 1 and 2 to select and appoint the petitioner to the post of Assistant Engineer (Civil) based on the selection conducted as per Notification No.1/2015 dated 28.12.2015 issued by the 2nd respondent by arriving the selection following Rule of Reservation as per roster notified and making correct allotment of candidates under General Turn (GT) category and by dispensing with priority category not allowed for the selection within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.K.Raj Kumar
Standing Counsel

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the first and second respondents to select and appoint the petitioner to the post of Assistant Engineer (Civil) based on the selection conducted as per Notification No.1/2015 dated 28.12.2015 issued by the 2nd respondent by arriving the selection following Rule of Reservation as per roster notified and making correct allotment of candidates under General Turn (GT) category and by dispensing with priority category not allowed for the selection.

2. The petitioner is a B.E., (Civil) graduate and belongs to MBC



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community. She registered her educational qualification in employment exchange. While so, the respondent issued notification No.1/2015 dated 28.12.2015 for filling up 50 vacancies to the post of Asst.Engineer (Civil) by direct recruitment. As per the rule of reservation 9 vacancies were earmarked for MBC category. The selection was to be made on the basis of merit marks in written examination and viva voce. The petitioner applied for the said post and secured 39.33 marks in written examination and 42.44 marks in the interview. The respondent published the selection list of selected candidates on 31.03.2017, along with the cut off mark for each category. The petitioner's grievance is that there were several irregularities in the selection process which resulted in persons with far lesser marks than the petitioner being selected. The petitioner in her affidavit referred to various instances of irregularities committed by the respondent in the selection. The petitioner complained that the private respondents were selected under various priority categories which were not notified and to the category to which they did not belong. The petitioner stated that there was total violation of the rule of reservation. The petitioner therefore prayed for a mandamus to the respondent to select the petitioner by following the correct rule of reservation as per roster, to correct the allotment of candidates under general category and to dispense with priority category not notified.



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3. The respondent filed a detailed counter denying all the allegations raised in the affidavit. According to the respondent, the petitioner was eligible to be considered only under the General Turn, General Turn (Women), MBC (General) and MBC (W) category. The last candidate appointed under the General Turn and General Turn (Women) category scored 48.702 and 48.180 marks respectively and the last candidate appointed under the MBC (General) and MBC (Women) category scored 47.932 and 44.712 marks respectively. Whereas, the petitioner scored only 42.444 marks which was much below the candidates selected under GT (General) and (Women) category, MBC (General) and (Woman) category. According to the respondent, the petitioner did not fall within the zone of consideration and therefore the petitioner could not be aggrieved by the selection. The respondent submitted that the selection of the private respondents was strictly in compliance with the notification and therefore there were no merits in the writ petition.

4. The learned counsel for the petitioner submitted that there were several irregularities in the selection process and therefore the entire selection was vitiated. The learned counsel referring to a few instances of irregularities like selection of candidates under the priority category of freedom fighters even



though the notification did not provide for priority to the said category submitted that the petitioner was not interested in setting aside the entire selection but was only concerned with his non-selection and hence he prayed for mandamus to direct the respondent to select the petitioner.

5. The learned counsel for the respondent on the other hand submitted that the petitioner was eligible for selection under the general turn, general turn (women), MBC (general) and MBC (W) category only. The learned counsel submitted that the petitioner scored lesser marks than the selected candidates in the said categories and therefore the petitioner was not selected. The learned counsel submitted that as the petitioner did not score higher marks than the selected candidates the petitioner was not entitled for selection . The learned counsel therefore submitted that the writ petition had no merits and the same deserved to be rejected.

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

7. This writ petition is filed only for a writ of mandamus and the selection list as such is not challenged by the petitioner. From the counter it is clear that



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the petitioner belongs to MBC category and she is eligible to be considered only under the General Turn, General Turn (Women), MBC (General) and MBC (W) category. The last candidate appointed under the General Turn and General Turn (Women) category scored 48.702 and 48.180 marks respectively and the last candidate appointed under the MBC (General) and MBC (Women) category scored 47.932 and 44.712 marks respectively. The petitioner scored only 42.444 marks which is much below the marks scored by the candidates selected under the GT (General), (Women) category, MBC (General) and MBC (Woman) category and therefore the petitioner's non-selection under the said categories cannot be faulted. As the petitioner was found ineligible on the basis of her marks for the categories under which she could have been selected, the petitioner cannot have any grievance. Even otherwise, assuming that there were irregularities in the selection for the other categories the petitioner cannot question the same as she does not belong to the said categories. More over, the petitioner has not challenged the selection list but has only prayed for her selection. As the petitioner has been found to be ineligible on the basis of her marks, I find no merit in the petitioner's writ petition.

8. In view of the above factual matrix of the case, this Court is of the considered view that the writ petition is liable to dismissed.



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9. In the result, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are also closed.

02.09.2024

dpq

Index : Yes /No

Speaking Order : Yes/No

To

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N. MALA, J.

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