



WEB COPY



W.P.No.10436 of 2017

**IN THE HIGH COURT AT JUDICATURE AT MADRAS**

**DATED: 27.09.2024**

**CORAM:**

**THE HON'BLE MRS.JUSTICE N.MALA**

**W.P.No.10436 of 2017**

**and**

**WMP.Nos'.11311 of 2017 & 18391 of 2018**

S.Saravanan

...Petitioner

Vs.

1.The Government of Tamil Nadu,  
Represented by its Secretary,  
Labour and Employment (T2),  
Fort St. George, Madras- 600 009.

2.The Tamil Nadu Generation and Distribution Corporation Limited,  
Represented by the Chief Engineer (Personnel)  
14A, Anna Salai, Chennai-600 002.

...Respondents

Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to reserve a seat for the petitioner sake, out of the stipulated 273 seats that are available for the post of Assistant Engineer Electrical by considering the status of the petitioner as a deprived land owner and on basis of priority.

For Petitioner : Mr.S.Sathya Kumar  
for M/s. V.Srimathi



W.P.No.10436 of 2017

For Respondents : Mr.R.Kumaravel,  
Additional Government Pleader, for R1  
Mr.K.Rajkumar,  
Standing Counsel, for R2

### **ORDER**

The petitioner has filed the above writ petition for a direction to the 2<sup>nd</sup> respondent to reserve a post of Assistant Engineer Electrical for him under the land deprived priority category out of the 273 posts available.

2. The petitioner completed SSLC in the year 1985. He obtained diploma in Electrical and Electronics from the State Board of Technical Education and completed Training in the year 1988. The petitioner also graduated in B.E Electrical and Electronics from Chennai University in the year 2001 and further pursued M.E in Power Electronics from Anna University in the year 2004. The Tamil Nadu Generation and Distribution Corporation Limited vide its notification dated 28.12.2015, invited applications for the post of Assistant Engineer in Electrical, for filling up 273 posts. The stipulated qualification for the post was a degree in EEE/ ECE/ EIE/ CSE/ IT Engineering. The candidates



W.P.No.10436 of 2017

WEB COPY

were required to possess adequate knowledge of Tamil and the applications were to be made online. The petitioner applied for the said post under the category “Members of the family whose lands acquired by the Government”, as the petitioner's lands were acquired by National Highway Authority of India in the year 2007. The petitioner was required to upload the priority certificate in his category of “Member of family whose lands acquired by the Government”. The selection was based on written examination and interview. The petitioner secured 32.6% marks in the written examination as against the cut-off marks of 23.1% for his priority category. According to the petitioner, though he approached various authorities for grant of Priority Certificate, as he was not issued with the same he was not able to produce it at the relevant time. The petitioner therefore filed the above writ petition directing the 2<sup>nd</sup> respondent to reserve one post of Assistant Engineer, Electrical so as to enable him to produce the certificate and claim employment in the Priority category.



W.P.No.10436 of 2017

WEB COPY

3. The respondents filed detailed counter stating that the petitioner had applied only under the general category and not under the Priority Quota. As per the information given by the petitioner, he was eligible under the General Quota in the MBC (General) category. According to the respondents, the selection was based on written examination and interview. As the petitioner qualified in the written exams he was called for interview. The petitioner obtained 32.33 marks as against cut-off of 39.54 marks for MBC (General) category. On the claim of the petitioner for considering him under the priority category, the respondents stated that as per the recruitment notification under Clause 'L', the petitioner was required to produce Priority original certificate for the priority category along with the application. As the petitioner failed to enclose the priority certificate along with the application the petitioner was not considered under the Priority category. The respondents therefore prayed that the writ petition was without merit and same deserved to be dismissed.



W.P.No.10436 of 2017

WEB COPY

4. The learned counsel for the petitioner submitted that petitioner's lands were acquired by the National Highway Authority of India and therefore petitioner was eligible for selection under the Priority category of 'Member of the family whose lands acquired by the Government'. The learned counsel further submitted that petitioner was not able to produce the Certificate, because of the lapse on the part of the District Revenue Officer, National highway, Salem in issuing the Certificate in time and therefore the respondents cannot deprive the petitioner of the post of Assistant Engineer, Electrical.

5. The learned counsel for the respondents on the other hand submitted that the petitioner did not produce the Certificate along with the application which is mandatory as per the recruitment notification and hence the non-selection of the petitioner under the Priority category was valid.

6. I have heard both the learned counsels and perused the materials placed on record.



W.P.No.10436 of 2017

7. The learned counsel for the petitioner did not dispute that he was not eligible for selection under the MBC (General) category, as he had not obtained the minimum cut off marks of 39.54, for MBC (General) category. The petitioner has admitted in the writ petition that he was not able to produce the Priority Certificate at the relevant time, because he did not receive the same from the Revenue department.

8. It is pertinent to note here that while applying for the post, the petitioner had not applied under the priority category, but had applied only under the MBC (General) category. It is only after the recruitment process was completed that the petitioner claimed employment under the Priority category of 'Member of the family whose lands acquired by the Government'. That the petitioner did not apply under the priority category is clear from the fact that the petitioner applied for the Priority Certificate to the District Collector on 06.02.2017, to the Project Director, NHAI Ltd, Salem on 13.02.2017 and to the DRO on 06.03.2017. It was only after recruitment notification that the petitioner



W.P.No.10436 of 2017

applied for the priority certificate. As the priority certificate was not annexed with the application, the respondents could not be faulted for not considering the petitioner under the Priority category. As far as petitioner's selection under the MBC (General) category is concerned, admittedly the petitioner did not obtain the minimum cut-off marks of 39.54 and therefore the non selection of the petitioner under the MBC (General) category cannot also be faulted.

In view of the above, I find absolutely no merit in the writ petition, ergo, the same is dismissed. No costs. Consequently, connected WMP's are closed.

27.09.2024

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dsn



WEB COPY



W.P.No.10436 of 2017

**N.MALA,J.**

dsn

To

1.The Secretary,  
Labour and Employment (T2),  
Fort St. George, Madras- 600 009.

2.The Chief Engineer (Personnel),  
Tamil Nadu Generation and Distribution Corporation Limited,  
14A, Anna Salai, Chennai-600 002.

W.P.No. 10436 of 2017

27.09.2024