



W.A.No.753 of 2023

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

WEB COPY

**DATED : 02.04.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR  
and  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.No.753 of 2023  
and  
C.M.P.No.7275 of 2023**

R.Kavitha

... Appellant

-Vs-

1. The Managing Director,  
Chennai Metropolitan Water Supply and  
Sewerage Board,  
No.1, Pumping Station Road,  
Chintadripet,  
Chennai - 600 002.

2. Karpagavalli

... Respondents

**PRAYER :** Appeal under Section 15 of Letters Patent against the order dated 30.01.2023 made in W.P.No.4055 of 2016.

For Appellant : Mr.S.Nedunchezhiyan

For Respondents : Mr.Krishna Ravindran  
Standing Counsel for R1  
No appearance for R2



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## J U D G M E N T

WEB COPY (Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 30.01.2023 made in W.P.No.4055 of 2016.

2. The appellant was the writ petitioner who along with the second respondent and others participated in the selection process conducted by the respondent Board for the post of Assistant Engineer (Electrical).

3. The method of recruitment was that the name should be sponsored by the employment exchange and the qualification would be B.E., (Electrical) as well as B.E., (Electronics and Communication).

4. The appellant / petitioner was holding the degree of B.E., (EEE) and the second respondent was holding the degree of B.E., (ECE).

5. The selection process according to the Metro Water Department as stated by Mr.Krishna Ravindran, learned Standing Counsel for the first respondent was that, the marks secured by each of the candidates in B.E., written examination as well as the marks secured by each of the candidates in



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the oral interview conducted by the Board at the time of selection would put together and accordingly, the final marks would be tallied, based on which, the ranking list has been made.

6. Accordingly, the appellant / petitioner secured 57.746 marks, whereas the second respondent secured 64.954 marks. Therefore, naturally the second respondent is well ahead of the appellant / petitioner as he secured 64.954 marks, therefore, the second respondent was selected and appointed and the appointment was over in the year 2014, for all these ten more years, the second respondent had been working.

7. When that being so, the selection list dated 18.11.2014 was questioned in the said writ petition in W.P.No.4055 of 2016.

8. The learned Judge before whom the point raised mainly by the learned counsel for the appellant / petitioner was that, the most opt qualification to hold the post of Assistant Engineer (Electrical) is the qualification of Bachelor of Engineering (Electrical) and the qualification of Electrical and Electronic Engineering or Electronic and Communication Engineering i.e., ECE cannot be a proper qualification to hold the post of Assistant Engineer (Electrical). This



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was dealt with by the learned Judge in paragraph No.6 of the impugned order

WEB which reads thus:

*"6. Insofar as the ground raised by the petitioner that the post of Assistant Engineer (Electrical) requires to be filled up through candidates holding a B.E., (Electrical) degree, the respondent Board had passed a resolution on 29.06.1992, resolving that the appointments to the post of Assistant Engineer (Electrical) can be made by considering the qualification of B.E., (E.C.E) also. While that being so, the essential qualification prescribed for selection to the said post, cannot be found fault with."*

9. Therefore, B.E., (ECE) is one of the qualification as per the resolution of the Metro Water Board dated 29.06.1992 itself, therefore that cannot be questioned at this juncture. Moreover, as has been rightly held by the learned Judge in paragraph No.7 of the impugned order, the Court, while exercising the jurisdiction under Article 226 of the Constitution, cannot go into the details of which one will be the more opt qualification, which one is not, that kind of venture cannot be made by the Court and it is for the employer to decide.

10. Moreover, since the appellant / petitioner having participated in the selection process since has not been selected after completing the final selection process cannot turn around and raise a point stating that the



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qualification of B.E., (ECE) cannot be the opt qualification, therefore on that

ground also, such plea raised by the appellant / petitioner cannot be sustained.

11. Considering all these aspects, the learned Judge by the order impugned, i.e., 30.01.2023 rejected the writ petition filed by the appellant / petitioner, of course correctly, therefore, we do not find any plausible reason to interfere with the order.

12. Resultantly, this Writ Appeal fails and hence it is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (A.D.M.C., J.)  
02.04.2025

NCC : Yes  
Index : Yes  
Speaking Order : Yes

vji

To  
The Managing Director,  
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