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W.A.No.3430 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **R.SURESH KUMAR**

AND

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.A.No.3430 of 2025 &
CMP.No.28051 of 2025

1.The Chairman,
TANGEDCO,
NPKRR Maligai,
No.144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer (Personnel),
TANGEDCO,
NPKRR Maligai,
No.144, Anna Salai,
Chennai – 600 002.

... Appellants

Vs.

M.Karthikeyan

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 02.06.2025 passed in W.P.No.5283 of 2025.

For Appellants

:Mr.Anand Gopalan for
M/s.Advit Law Chambers



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JUDGMENT

(JUDGMENT MADE BY V.LAKSHMINARAYANAN, J.)

The appellants are the respondents in the writ petition.

2. For the sake of convenience, the parties shall be referred to as per their ranks in the writ petition.

3. The petitioner approached this court seeking of a Mandamus, to direct the respondents to select and appoint him to the post of Gangman on par with other candidates appointed, pursuant to the notification No.1 of 2019 dated 07.03.2019 issued by the respondents.

4. The respondents had issued a notification on 07.03.2019. It was for the purpose of selecting 5000 persons to the post of Gangman. The petitioner, who belongs to a Scheduled Caste community, had applied for the said post. He had completed his education up to 11th standard and had failed in his 12th standard examination. He stated that he had secured 65 marks in the written examination conducted by the respondents and had also cleared the physical fitness test. Though he had been waiting for the appointment order, he had not been issued the same.



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5. The petitioner alleged that, certain candidates, who had secured “zero” mark in the written examination, had been appointed as Gangman, whereas, the petitioner, who had obtained 65 marks and belonging to the PSTM category (Person who studied in Tamil Medium), had not been considered. He pleaded that failure to appoint him is arbitrary and, hence, sought for the aforesaid relief.

6. This court entertained this writ petition and issued notice to the respondents.

7. The respondents filed a counter affidavit opposing the writ petition.

8. The respondents admitted that the petitioner had participated in the physical fitness test and had also cleared the written examination with 65 marks. It stated that the petitioner had secured a rank card of 8543. It alleged that, although the petitioner applied under the Scheduled Caste - PSTM quota, had not produced the requisite certificates at the time of verification, and hence, he was considered only under the Scheduled Caste (General) category. Under the Scheduled Caste (General) category, the last selected candidate had secured rank of 8350 but the petitioner having secured with 8543



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rank, he was not selected. It was further stated that the number of vacancies were 10,000 and 9,613 persons were recruited and the remaining 387 vacancies could not be filled up, due to non availability of candidates under the Differently Abled category. It pleaded that the writ deserves to be dismissed as the petitioner had not produced the certificates.

9. The petitioner filed a reply affidavit to the counter. He stated that on 07.09.2019, he was called for certificate verification, during which, he had produced all the requisite certificates to claim that he belongs to Scheduled Caste and was entitled to be considered under PSTM reservation. It was only thereafter, that the checklist was filled up by the respondents on the official website. After being satisfied with the petitioner's claim under the SC-PSTM category, he was permitted to attend the physical fitness test on the very same day. After he had cleared the physical fitness test, a hall ticket was issued for the written examination held on 15.03.2020. He asserted that the contention of the respondents, that the petitioner had not produced the PSTM certificate, is false, as is clear from the checklist, maintained by the respondents.



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10. To the reply affidavit filed by the petitioner, the respondents filed an additional counter. It was pointed out that, the marks secured in the examination is not essential, since the post of Gangman is only going to indulge in duties such as digging, erection of poles and other allied non-technical manual works. The fact that only 387 vacancies were available as against the post for reservation for Differently Abled Persons was reiterated.

11. Upon completion of pleadings, the learned Single Judge took up the writ for disposal.

12. The learned Single Judge took note of the fact that the respondents had not disputed the certificate issued by the petitioner and that he had scored 65 % marks in written examination. She pointed out that, the respondents had selected the candidates, who had secured “zero” mark in the written examination and that, there is no credible reason, as to why the petitioner had not been selected. She held that, if the petitioner’s certificate had been properly considered, then he would have been entitled to an appointment order, particularly when the persons, who had obtained “zero” mark in the written examination, had been selected. She held that the fault lay with the respondents, who had adopted a highly technical and rigid



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approach, and that what was required was only an enquiry as to, whether the petitioner had studied in a Tamil Medium. Relying upon the judgment of the Supreme Court in ***Dolly Chhanda v. Chairman, JEE and Others, (2005) 9 SCC 779***, she allowed the writ petition.

13. The learned Single Judge held that the petitioner will be entitled to such benefits only from the date on which he actually joins the service of the respondents as a Gangman. Aggrieved by this Order, the present appeal is at the instance of the respondents.

14. We heard Mr.Anand Gopalan for M/s.Advit Law Chambers for the appellants/respondents.

15. Mr.Anand Gopalan urged that the writ petitioner had acquiesced to his non-selection. He makes this submission, since the recruitment process was said to have been concluded in March 2021, and the writ petition came to be filed only in 2025. He alleges that, it was the petitioner, who had failed to produce PSTM certificate, and therefore, the findings rendered by the learned Single Judge requires interference. He further contends that the direction given by this court disrupts settled seniority and finalized merit lists. Consequently, he sought appeal to be admitted and interim order to be granted.



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16. Since the factual matrix has already been set forth in the earlier portion of the order, we are not reiterating the same.

17. Mr.Anand Gopalan did not dispute the findings of the learned Single Judge that the candidates, who had secured “zero” mark in the written examination, have been appointed to the post of Gangman. He pleaded that, a Gangman does not do any technical functions but only physical work and, therefore, even if a candidate has secured “zero” mark in the written examination, he can be considered for appointment to the post. This submission, in our considered view, is not only untenable but also contrary to the procedure of selection notified by the respondents themselves on 07.03.2019.

18. The procedure for selection is found under Clause-VI of the notification. We will now analyse the notification. It states that the rule of reservation shall be followed even with respect to appointment of Gangman. The total number of post reserve for Scheduled Caste was 720. In addition 30 posts were reserved for Scheduled Caste candidates under the differently abled category. The minimum age prescribed for appointment was 18 and the maximum age for

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Scheduled Caste candidates was 40. 20% reservation of vacancies was given to persons, who have studied in Tamil Medium (PSTM category). Initially, the condition imposed as per clause 5(B) was that, the candidates claiming PSTM reservation, should have qualified themselves with a pass in ITI Electrician or Wireman course studied in Tamil Medium and should have a certificate for the same.

19. In paragraph 12 of the counter affidavit, it was conceded that such a condition was imposed by oversight and it was subsequently amended by prescribing the minimum qualification as “studied up to 5th standard and above (as the case may be) in Tamil Medium”. The procedure for selection is found under clause 6 of the notification. As per this procedure, a candidate must qualify in the physical fitness test first, and only thereafter candidates, who have cleared the test will be called upon to appear for the competitive written examination. Once these two examination processes are completed, as per clause 6A(iv), the tentative list of eligible candidates would be published and then they would be called for certificate verification as per the marks obtained in the written examination. As per clause 6A(v), after verification of the original certificate, the eligible candidates would be selected as per “**eligibility, merit of the marks in Competitive**



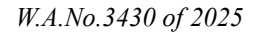
Written Examination and rule of reservation (respective turn in the communal roster)”.

20. Clause 5(L) of the notification is of importance in this case. It contemplates a situation of the respondents calling upon the candidates to produce original certificates for any claim, whenever required. It has been pointed out by the petitioner, in his affidavit, that he had produced all the requisite certificates to substantiate his claim under PSTM reservation on 07.12.2019. He has further stated that the checklist was filled up by the respondents on its website, to which the petitioner has no access. It was only after the certificates had been verified, the petitioner was permitted to take both physical fitness test as well as the written examination. Despite a categorical affidavit having been sworn to this effect, the respondents' counter does not even deny the same.

21. The Supreme court has pointed out on more than one occasion, namely:

(ii) ***Choksi Tube Company Limited v. Union of India and Others, (1997) 11 SCC 179;***

(ii) ***Naseem Banu v. State of Uttar Pradesh and Others, AIR 1993 SC 2592*** and



and Others, AIR 2012 SC 3396,

22. The general practice of this court is to consider the undisputed material facts pleaded in a writ affidavit as established. As noticed above, neither the counter nor the additional counter filed by the respondents, have not denied the averment of the petitioner that he was permitted to take the examination only after producing the requisite certificates. Even otherwise, as pointed out by the learned Single Judge, the respondents, invoking clause 5(E) and 5(L), could have called upon the writ petitioner to produce the same. Instead, the respondents proceeded to treat the petitioner as belonging to the Scheduled Caste (General) category, thereby denying him consideration.

23. Apart from this principle, we should also point out that, as per clause 6A(v), a person can be treated as eligible for selection only if he secures marks in the competitive written examination. It is admitted by Mr. Anand Gopalan that the candidates, who have secured



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“zero” mark in the written examination, have been selected. The explanation advanced that Gangmen are employed only for physical activity and not for their mental prowess, and, hence that securing “zero” mark in the written examination should be considered sufficient, is, in our view, wholly misconceived. The instructions issued by the respondents are legally binding upon them and equally binding on the candidates. It constitutes the rules of the game for selection. Such rules cannot be changed or annulled in order to accommodate persons on the *post hoc* given by Mr.Anand Gopalan.

24. We are unable to comprehend as to how the “zero” mark can be considered as falling under the category of “merit of marks in the competitive examination”. This instruction makes it clear that the respondents, when they issued the notification for recruitment, intended to select candidates who would clear not only the physical fitness test, but also the written examination. The respondents, after the physical and written examination were over, have changed the rule to select persons, who have not even qualified in the written test (“zero” mark). In our view, a candidate who secured “zero” mark cannot by any stretch of reasoning, be treated as having qualified for the post and also be issued appointment orders to such persons.



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25. In a country, where public employment is sought after as much as the search for the Holy Grail, the selection of a candidate, who has secured “zero” mark as against a person who has secured “65 marks” in a competitive examination, in our view, is arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India. Such a selection lacks a reasonable connection to the goal of choosing a qualified individuals based on merits. It undermines the very purpose for which the competitive examinations are held.

26. Written examinations are conducted in order to evaluate a candidate’s merit. Where minimum qualifying marks have been prescribed, allowing a person who has secured “zero” mark to be treated as eligible means that, there is no minimum standard. This would reduce the process of selection to vagueness and irrationality. Maintaining the integrity of the examination process is fundamental for upholding the standards in public service. If we were to accept Mr.Anand Gopalan’s argument, then we have to treat the candidates, who has failed, as having been eligible a “zero” score typically shows the failure to clear the written examination and such candidates ought to have been excluded from the process of selection.



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27. Securing “zero” mark in the written examination should have resulted in disqualification of the candidates from eligibility. Instead, the respondents attempted to justify their action of having excluded a person who has secured good marks as against the selection of persons who have secured ‘zero’ or less than half the marks secured by the petitioner.

28. In the light of the above discussion, we find absolutely no merit in the appeal. Accordingly, the writ appeal is dismissed. The Appellants/respondents shall comply with the directions of the learned Single Judge within a period of four weeks from the date of receipt of a copy of this Judgment. No costs. Consequently, the connected miscellaneous petition is closed.

R.S.K. J., V.L.N. J.,
03.12.2025

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Neutral Citation : Yes/No



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AND
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