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W.A. No.1361 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A. No.1361 of 2023
and
C.M.P.No.13324 of 2023

S. Rajmohan

... Appellant

VS.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
Chennai - 600 010.

2. Additional Registrar-cum-Vigilance Officer,
Tamil Nadu Civil Supplies Corporation Ltd.,
Chennai - 600 010.

3. Deputy Collector / Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Villupuram Region, Villupuram,
Villupuram District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying to set aside the order dated 09.11.2022 made in W.P. No.28260 of
2017.



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For Appellants : Mr. G. Sankaran, Senior Counsel
for Mr. S. Nedunchezhiyan

For Respondents : Mr. C. Selvaraj, Standing Counsel.

JUDGMENT

(Judgment of the Court was made by P.DHANABAL,J.)

This Writ appeal has been preferred as against the order dated 09.11.2022 passed by the learned single Judge in W.P. No.28260 of 2017, wherein the appellant herein has filed a Writ petition to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 3rd respondent in her proceedings in Na.Ka No.E11/5635/2017 dated 17.10.2017 and to quash the same and to direct the respondents to confer all the consequential benefits to the appellant.

2. Before the Writ Court, the appellant herein has filed a Writ petition alleging that the 3rd respondent issued a Recruitment notification and the appellant had participated in the process of selection for appointment to the post of Electrician and he possessed requisite qualification for selection to the post of Electrician and thereafter, he participated in the interview on 04.01.2017 and he was appointed as Electrician and joined duty on 11.01.2017 in Modern Rice Mill,

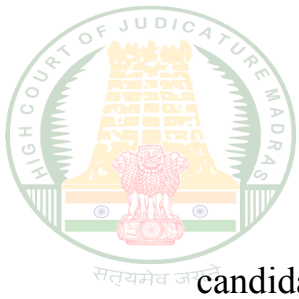


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Kallakurichi. While he was working in the said Mill, the 3rd respondent issued the impugned order dated 17.10.2017 cancelling his appointment on the ground that the selection was not in accordance with law and the selection was only confined to SC Candidates and no other candidates from other communities were called for, despite the availability of seven candidates from BC and MBC and no written test was conducted. The said cancellation order was passed without any notice to the appellant. Thereafter, the Writ Court dismissed the said petition on the ground that the established procedures for selection were violated and the appellant was illegally selected and appointed. Aggrieved by the said order, the present appeal has been preferred.

3. The learned counsel appearing for the appellant would submit that the 3rd respondent issued a notification for the recruitment of 'Electrician' and the appellant also participated in the process and he possessed requisite qualification for selection to the post of 'Electrician'. Thereafter, he attended the interview on 04.01.2017 and the appointment order was issued on the same day and he joined duty on 11.01.2017. All of a sudden, without any notice, the 3rd respondent cancelled the appointment on the ground that the selection was confined to SC candidates alone and no other



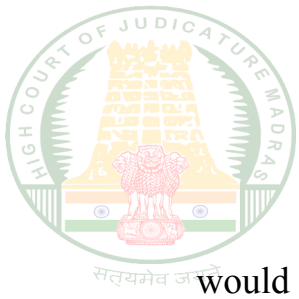
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candidates from other communities were called for, despite the availability of seven candidates from BC and MBC and no written test was conducted.

In fact, the other persons have no adequate qualification and thereby, the appellant alone was selected. Moreover, the Writ Court without any evidence made adverse remarks that the appellant's father influenced for the appointment of the appellant. The post 'Electrician' was invited for the candidates in General Turn category and the appellant also had requisite qualification, thereby, he was selected. Whereas the respondents filed a counter in the Writ petition by adding new reasons stating that the post of 'Electrician' was invited for the candidates in General Turn category instead of MBC. Therefore, the Writ Court without any evidence held that the father of the appellant influenced and obtained employment to the appellant and thereby, when the selection is tainted with the allegations of corruption, malpractices or otherwise, then the cancellation of selection is consequential and no further Show Cause Notice or otherwise is required in such circumstances. The above said findings of the Writ Court is erroneous and against law. Therefore, the order passed by the Writ Court is liable to be set aside.

4. The learned Standing Counsel appearing for the respondents

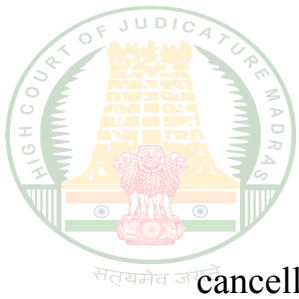


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would submit that notification was issued for the General Turn category.

In fact, it was wrongly issued by the Authorities for the post of Electrician as General Turn category instead of MBC category. The B License Certificate was obtained by the appellant after the date of closure of the applications. The last date for the submission of application is 22.07.2016, but the appellant furnished the Wireman B Certificate, which was issued on 20.09.2016, much later than the last date for submission of application. Moreover, the selection Authorities have failed to consider the other candidates' applications and only selected this appellant without following the procedures. Moreover, the appellant was appointed on temporary basis and written examination was not conducted. Therefore, the 1st respondent has correctly cancelled the appointment of the appellant and the same was challenged by the appellant through the Writ petition in W.P. No.28260 of 2017. The Writ Court after elaborate discussions came to a conclusion that the applications were invited for filling up the post of Electrician on or before 22.07.2016, but the appellant, selected as Open Candidate, has furnished his Wireman B Certificate, which was issued on 20.09.2016, i.e., much later than the last date for submission of application and it clearly shows that the B License Certificate was inserted later. When the selection is tainted with the allegations of corruption, malpractices, then the



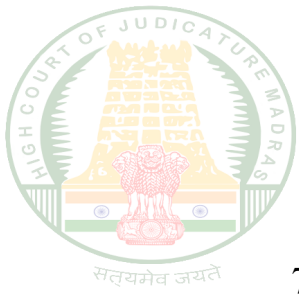
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cancellation of selection is consequential and no further Show Cause Notice or otherwise is required in such circumstances. Therefore, the Writ Court dismissed the Writ petition and the present appeal is liable to be dismissed.

5. This Court heard both sides and perused the entire materials available on record.

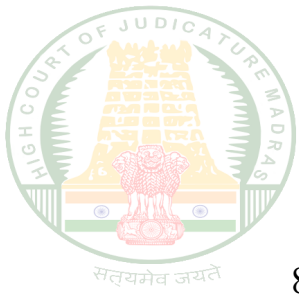
6. In this case, it is an admitted fact that the appellant was appointed as 'Electrician' based on the selection process and thereafter, the 1st respondent cancelled the appointment on the ground that the examination was not conducted as per the established rules. According to the appellant, pursuant to the recruitment notification issued by the 3rd respondent, he participated in the process of selection and he was appointed as Electrician and he joined duty on 11.01.2017 at Modern Rice Mill, Kallakurichi. While so, without any notice, the 1st respondent cancelled his appointment through an order dated 17.10.2017 on the ground that the selection was confined to SC candidates alone and no other candidates from other communities were called for, despite availability of seven candidates from BC and MBC and no written test was conducted. Aggrieved by the said order, the appellant filed a Writ petition before the Writ Court.



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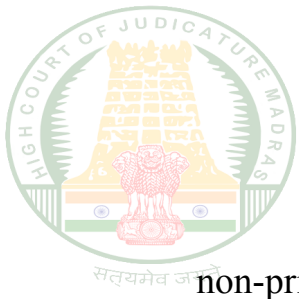
7. The Writ Court after hearing both sides, came to a conclusion that "the Wireman B License Certificate has been inserted later in the files containing the application forms received before 22.07.2016 by the influence of the appellant's father Mr. K. Samuel, Superintendent in Civil Supplies Corporation, Villpuram Region, the applications were called for and last date is on or before 22.07.2016 and the Wireman B License Certificate was issued on 20.09.2016, which is much later to the last date of submission of applications and the mandatory requirement of written test process was not conducted for selection and appointment and the application forms were received based on the advertisements, Rule of reservation has to be followed scrupulously and the process of selection was conducted in a corrupt manner and the rule of reservation was violated and the appellant was selected and appointed illegally depriving the opportunity of all other candidates to participate in the process of selection, therefore, the selection is tainted with the allegations of corruption, malpractices or otherwise, then the cancellation of selection is consequential and no further Show Cause Notice is required in such circumstances. Moreover, the appellant was appointed on temporary basis. Therefore, the Writ petition was dismissed".



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8. It is also not denied by the appellant that on the last date of submission of application, he has not enclosed the Wireman B License Certificate obtained from the competent Authorities and the said Certificate was issued by the Secretary, Electrical Licensing Board, Guindy on 20.09.2016, which is much later to the last date for submission of applications. While so, the question would arise how the certificate obtained much later than the last date for submission of applications, was included in the application. It shows that on the date of submission of application, the applicant has not even hold the requisite certificate, however, he applied for the post of 'Electrician' and obtained certificate later and inserted the same. Moreover, through Employment Exchange, 5 applications were received and through advertisements 11 applications were received. Some of the applications were rejected on the ground of non-qualification and some of them were rejected on the ground that those applications were not received through registered post. For Example, the application of the candidate in Serial No.10 was received through paper publication and the reason for rejection of the said application is 'non-priority'. In fact, he was qualified since the post is for General Turn Non-Priority category and the applicant belongs to BC Muslim and all the persons are eligible to compete in the General Turn



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non-priority irrespective of the community, however, it was rejected. Therefore, the selection process was not conducted in a proper manner. Even according to the respondents, the selection process ought to have been initiated by way of written examination, but written examination was not conducted. Therefore, this Court is of the opinion that the selection process was not conducted in accordance with law. Thereby, the appointment itself was cancelled by the Authorities.

Therefore, the above said order passed by the learned single Judge in the Writ petition is a well reasoned order and there are no grounds to interfere with the order passed by the Writ Court.

9. In view of the above said discussions, this Court is of the opinion that this Writ appeal has no merits and deserves to be dismissed at the admission stage itself.

10. Accordingly, the Writ Appeal is dismissed. No costs. The connected miscellaneous petition is closed.

(R.S.K.J.) & (P.D.B.J)

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Internet : Yes



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Index: Yes/No

Neutral Citation: Yes/No

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R. SURESH KUMAR,J
and
P.DHANABAL,J

(mjs)

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