

Rev.Aplc(MD)No.150 of 2021

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|-------------------------------------------|---------------------------------------------|
| Judgment Reserved on<br><b>29.07.2024</b> | Judgment Pronounced on<br><b>06.01.2025</b> |
|-------------------------------------------|---------------------------------------------|

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**  
and  
THE HONOURABLE MRS.JUSTICE **L.VICTORIA GOWRI**

**Rev.Aplc(MD)No.150 of 2021**  
**in**  
**W.A(MD)No.886 of 2020**

Sathish Kannan

...Petitioner/1<sup>st</sup> Respondent

**Vs.**

1.Tamil Nadu Generation and Distribution Corporation,  
Rep. By its Chairman Cum Managing Director,  
NPKRR Maligai,  
No.144, Anna Salai,  
Chennai – 600 002.

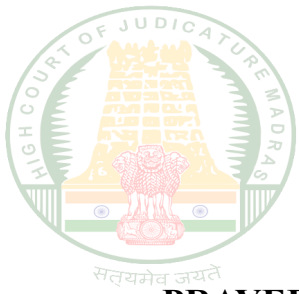
2.The Chief Engineer (Personnel),  
NPKRR Maligai,  
No.144, Anna Salai,  
Chennai – 600 002.

3.The Senior Personnel Officer/Recruitment,  
8<sup>th</sup> Floor, NPKRR Maligai,  
No.144, Anna Salai,  
Chennai – 600 002.

..Respondents 1 to 3/Appellants 1 to 3

4.P.Kousalya Devi

..4<sup>th</sup> Respondent/2<sup>nd</sup> Respondent



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**PRAYER:** Review Application is filed under Order XLVII Rule 1 and Section 114 of the Code of Civil Procedure to review the order dated 16.07.2021 passed in W.A.(MD)No.886 of 2020.

For Petitioner : Mr.G.Prabhu Rajadurai  
For R1 – R3 : Mr.Anand Gopalan  
For M/s.T.S.Gopalan & Co  
For R4 : Mr.S.Ramu

### **J U D G M E N T**

**N.SESHASAYEE, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

The review petition is preferred by the 1<sup>st</sup> respondent in W.A.(MD)No. 886 of 2020.

2. It may be stated at the outset that the matter pertains to rejection of review petitioner's candidature for the post of Assistant Engineer/ (Electrical) (ECE/EIE) within the reservation earmarked for Scheduled Tribes (ST) Candidates.

3. The petitioner moved this Court in W.P(MD) No.5739 of 2017 successfully, but, the appointing authority, namely, the TANGEDCO challenged the order of the learned single Judge in the aforesaid Writ Appeal.



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4. Challenging the order of the Division Bench in W.A(MD)No.886 of 2020 dated 16.07.2021, the review petitioner had moved the Hon'ble Supreme Court of India in SLP(Civil)No.15174 of 2021. It was dismissed in *limine* without assigning any reasons vide order dated 01.10.2021. Hence, the 1<sup>st</sup> respondent in W.A(MD)No.886 of 2020 had preferred this Review Petition.

5. The facts that lead up to the filing of this Review Petition may be now stated briefly:

- The TANGEDCO came out with a notification No.1 of 2015 dated 28.12.2015 inviting applications *inter alia* for the post of Assistant Engineer (Electrical). In all, it notified 300 vacancies for the said category, of which, its requirements for Electronics and Communication Engineering/Instrumentation Engineering was 21.
- The Notification then proceeded to detail the distribution of vacancies for various categories of candidates. This is provided as below:

**TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION  
LIMITED**

**NOTIFICATION NO: 01/2015 DATED: 28.12.2015**

1. Applications are invited only through ONLINE MODE upto 11.01.2016 for



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### Direct Recruitment to the following posts.

| Sl. No. | Name of the Post                                                                                                                                                                                                                                    | No of Vacancies | Scale of Pay                                  |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------|
| 1       | Assistant Engineer (Electrical)<br>a) Electrical and Electronics Engineering - 91% (273)<br>b) Electronics and Communication Engineering/Instrumentation Engineering - 7% (21)<br>c) Computer Science/Information Technology Engineering (- 2)% (6) | 300             | Rs.10,100-34,800 +<br>Grade pay Rs. 5100/- pm |
| 2       | Assistant Engineer (Mechanical)                                                                                                                                                                                                                     | 25              |                                               |
| 3       | Assistant Engineer (Civil)                                                                                                                                                                                                                          | 50              |                                               |

#### **NOTE:**

- The number of vacancies advertised is only approximate and is liable for modification including reduction with reference to vacancy position at any time before finalization of selection.
- The candidates on their selection will be placed on 3 months training and they shall be paid a consolidated pay of Rs.15,200/- per month and they should be prepared to serve anywhere in Tamil Nadu.
- Distribution of vacancies:

| Sl. No. | Name of the post | Total vacancy | SC | SC(A) | ST | M BC | BC | BCM | GT | Differently person |
|---------|------------------|---------------|----|-------|----|------|----|-----|----|--------------------|
|         |                  |               |    |       |    |      |    |     |    |                    |



|    |                                                                               |     |    |   |   |    |    |   |    |   |
|----|-------------------------------------------------------------------------------|-----|----|---|---|----|----|---|----|---|
| 1) | (i)Assistant Engineer/<br>Electrical and Electronics Engineer (91)            | 273 | 39 | 9 | 3 | 52 | 71 | 9 | 83 | 7 |
|    | ii)Electronics ( Communication Engineering/ Instrumentation Engineering (7%)) | 21  | 3  | - | 1 | 5  | 5  | 1 | 6  | - |
|    | iii) Computer Science Engineering/Information Technology (2%)                 | 6   | 1  | - | - | 1  | 2  | 1 | 1  | - |
|    | Total                                                                         | 300 |    |   |   |    |    |   |    |   |
| 2  | Assistant Engineer                                                            | 25  | 4  | 1 | - | 4  | 7  | 1 | 7  | 1 |
| 3  | Assistant Engineer/Civil                                                      | 50  | 8  | 1 | - | 9  | 14 | 1 | 14 | 3 |

- The Notification then proceeded to provide general information where it states under clause 5 (A) that *“the Rule of reservation of appointments is applicable to the post and the distribution of vacancies will be as per rule in force”*.
- In clause-H it says that reservation of appointment "Destitute Widows" and "Ex-servicemen" will not apply to this recruitment.



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- Notification lists the list of documents which may have to be appended by an applicant and this is detailed in clause-11(7) of the Notification and it reads as :

Clause 11(7): Candidate must upload the relevant scanned copies in PDF format as follows:

| Sl.No. | Certificate                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Description                                                                                                                                 |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1.     | Provisional of Degree Certificate                                                                                                                                                                                                                                                                                                                                                                                                                                     | Proof of prescribed Educational Qualification in support of their Educational Qualification                                                 |
| 2.     | Community Certificate                                                                                                                                                                                                                                                                                                                                                                                                                                                 | All the communities (other than OC/belonging to SC/SCA/ST/ BCO/ BCM/ (MBC/DC) in case of those who claims quota under communal reservations |
| 3      | Priority Certificates for <ul style="list-style-type: none"><li>• Disabled Ex-serviceman</li><li>• Dependent of Ex-serviceman killed/disabled in action</li><li>• Destitute widown</li><li>• Ex-serviceman/Dependents of serving personnel of Ex-serviceman</li><li>• Intercaste marriage</li><li>• Repatriate (Country)</li><li>• Member of the family whose lands acquired by the Government</li><li>• Dependents of freedom fighter</li><li>• Retrenched</li></ul> | To avail special category reservations(If applicable)                                                                                       |
| 4      | Differently abled certificate                                                                                                                                                                                                                                                                                                                                                                                                                                         | To avail the Differently abled reservation                                                                                                  |
| 5      | Studied Prescribed Qualification in Tamil Medium                                                                                                                                                                                                                                                                                                                                                                                                                      | The PSTM certificate shall be obtained from the Head of the Institution                                                                     |



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- The review petitioner had applied only to the post reserved for ST candidates under the category Electronics and Communication Engineering/Instrumental Engineering and so was a certain Kousalya Devi, who was arrayed as the 4<sup>th</sup> respondent in the Writ Petition and the 2<sup>nd</sup> respondent in the Writ Appeal. As per the notification, there will be a written test coupled with an interview. The questions are set for 100 marks and also for educational qualification of the candidates. Marks obtained in the written examination is reduced to 85%. Viva voce will be held carrying 15 marks.

- According to the review petitioner, in the written examination, he had scored 20.667 out of 85 marks. He however was not called for an interview. Kousalya Devi, however was called for an interview and her combined score (written examination + interview) was only 9.159. In other words, even if the review petitioner had been invited to an interview and if he has scored '0' mark in the interview, still he should have been preferred over Kousalya Devi. It is in this circumstance, the review petitioner had approached this Court in W.P(MD) No.5739 of 2017, wherein he has sought issuance of certiorarified mandamus for



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calling for the records pertaining to the selection of Kousalya Devi, the 4<sup>th</sup> respondent herein and to quash the selection and to direct TANGEDCO to consider his case for the post of Assistant Engineer (ECE/EIE) in the ST category.

6. The TANGEDCO filed its counter in which it has essentially contended that it followed G.O.(Ms).No.65, Personnel and Administration Reforms (K) Department, dated 27.05.2009 which provided for 200 point communal roster. That based on the above, TANGEDCO has issued a proceeding in Proceeding No.5, dated 20.01.2015 regarding the communal roster and since TANGEDCO does not fill up the vacancy through State Public Service Commission, it had not adopted Rule 22 of the Tamil Nadu State and Subordinate Service Rules, but has followed Regulation 89(3) of the TNEB Service Regulations.

7. The 4<sup>th</sup> respondent, in its counter, contended that she has been appointed in the Scheduled Tribe and intercaste marriage quota.

8. When the matter came up before the learned Single Judge, he did find that appointment of Kousalya Devi to the post was not justified and that the



petitioner ought to have been appointed. Yet the learned Single Judge did not proceed to set aside the appointment of the 4<sup>th</sup> respondent, but directed TANGEDCO to appoint the petitioner. This in effect meant a need to create a post which is not there.

**9.** TANGEDCO now chose to challenge this order in W.A.(MD) No.886 of 2020: (a) that the appointment of the 4<sup>th</sup> respondent was considered under ST inter-caste marriage reservation quota and that while directing TANGEDCO to appoint the writ petitioner, TANGEDCO literally has to create a post for appointing him.

**10.** This writ appeal came to be allowed vide order of a Division Bench dated 16.07.2021. The line of reasoning of the Division Bench was that, on a plain reading of the Notification, there is a clear mention in Clause-11(7) with regard to the priority category. If the contention of the appellants was not to extend the benefit of priority, then there was absolutely no need or necessity to mention about the documents, which are to be uploaded by the candidates. In Serial No.3 of Clause-11(7), list of certificates, which are nine in number, has been mentioned. Out of the nine priority categories, the Notification specifically excludes only two of the reserved categories, namely, Destitute



Widow and Ex-Serviceman. Thus, it goes without saying that seven other priority categories would be considered for selection because it is not that the priority has been implemented for Scheduled Tribe alone, but it has been implemented for all other reserved categories, such as, BC, MBC, SC and GT. Thus, this would be the correct way of interpreting the Notification. In any event, the first respondent has not challenged the Notification No.1/2015, though he would not be entitled to challenge the same as he has participated in the selection process pursuant to the said Notification. Thus, the direction issued by the learned Writ Court to appoint the first respondent in the post of Assistant Engineer is not sustainable.

**11.** Aggrieved by the same, the writ petitioner approached the Hon'ble Supreme Court and as stated in the opening paragraph, the Hon'ble Supreme Court directed the writ petitioner to approach this Court with a review.

**12.** Mr.Prabhu Rajadurai, learned counsel for the review petitioner/writ petitioner made the following submissions:

- The line of defence disclosed by TANGEDCO in defending the appointment of the 4<sup>th</sup> respondent as disclosed in paragraph 10 of its



counter essentially places reliance on G.O.Ms.No.65, dated 27.05.2009.

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However, G.O.Ms.No.65 was replaced by G.O.Ms.No.55, Personnel and Administration Reforms (S) Department, dated 08.04.2010. Like G.O.Ms.No.65, G.O.Ms.No.55 also provided for 200 point roster. This 200 point roster essentially fixes the vertical reservation based on communal rotation and it only provides for two categories of horizontal reservation and they relate to reservation for Ex-service man, reservation for destitute widow and also women. This G.O.Ms.No.55 was given effect to by Proceedings No.5 of the TANGEDCO, dated 20.01.2015. This proceedings literally is an adopted cut-copy-paste process of incorporating G.O.Ms.No.55 into its proceedings. In other words, Proceedings No.5 of TANGEDCO nowhere provides for any reservation for ST inter-caste married candidate. Later, it amended Regulation 89 of TNEB Regulations. In particular, Regulation 89(3) provides for reservation, as per which reservation for Ex-service man was created only for Class-III posts and 30% reservation including reservation for destitute women were created only for those posts, those whose pay does not exceed Grade Pay-200. Therefore, even if 200 point roster was adopted by TANGEDCO, yet contrary to the stand it had taken in the counter, there is no space for horizontal reservation for inter-caste



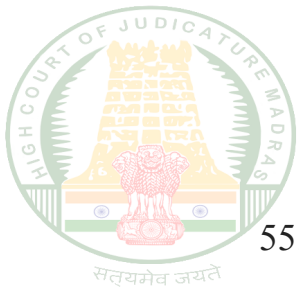
married ST candidate.

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**13.** Per contra, the learned counsel for the respondents 1 to 3 made the following submissions:

a) The learned counsel for the review petitioner, in the guise of arguing. the review, essentially seeks to revive the cause of action in the Writ Appeal. Review is maintainable to deal with any error apparent on the face of the record. Inasmuch as the issue had been heard both by the single Judge as well as by the Division Bench, the same cannot be heard again. In other words, the review petitioner has not pointedly indicated what is error on the face of the record of the order of the Appellate Court in W.A. (MD)No.886 of 2020.

b) 200 point roster, which is now under dispute, whose implications are in controversy, came into force vide G.O.(Ms.)No.55, Personnel and Administrative Reforms (S) Department, dated 08.04.2010. This is adopted by the Board of TANGEDCO in its proceedings dated 20.01.2015. So far as reservation is concerned, any notification inviting application for filling up the vacancies would only disclose vertical reservation. So far as horizontal reservation is concerned, G.O. (Ms.)No.



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55. Personnel and Administrative Reforms (S) Department, dated 08.04.2010 read with the proceedings of the TANGEDCO will take care.

c) So far as the present case is concerned, of the list of priority candidates, namely, for whom the reservation is provided in the horizontal reservation, only destitute widows and ex-service men are excluded by a conscious decision. As to the rest, there is nothing indicated in the notification No.1 of 2015 dated 28.12.2015 that 200 point roster will not be applicable. In terms of information provided under clause 11(7) of the said notification, there is an instruction to the candidates to upload necessary certificate to establish eligibility of their candidature to seek the benefit of horizontal reservation. While it is true that it is specified in the 2nd column thereof that it is availed by those who seeks special category reservation and indicated 'If Applicable'. That does not ipso facto imply that this requirement is result of cut-copy-paste.

d) In the online application form itself, there is a specific column under the heading 'Additional Information' for providing information regarding any concession sought with regard to age or any other concession. This essentially indicates any benefit that is accorded to a candidate in terms of the priority afforded under 200 point roster. Indeed, the review



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petitioner knew about it only too well. However, when the cut off marks of the candidates were announced, it was separately announced for priority and non-priority candidates. The priority in terms of 200 point roster was extended not just the candidates from 'ST' category, but across the board of all the candidates from other categories as well. In the list of selected candidates, one who is ranked '3' belongs to general category, but was given priority for inter-caste marriage. One ranked '4' is an SC candidate and she was given priority again for inter-caste marriage. One who ranked '12' belongs to 'BC' and she is given priority on a different head. It is in this turn, the 4th respondent was given priority under the head 'inter-caste marriage for ST candidate. Again, the candidate who is ranked '21' also finds a name in the list of priority candidates, but she is a MBC candidate. Inasmuch as there is only one seat in vertical reservation provided for SC candidates, the review petitioner could not be accommodated since in terms of 200 point roster that seat has gone to the 4th respondent. At any rate, the review petitioner did not seek any benefit under the horizontal reservation, but seek an appointment only under the vertical reservation.

**14.** Supporting the submissions of the learned counsel for the



respondents 1 and 3, the learned counsel for the 4<sup>th</sup> respondent would submit that the review petitioner has only challenged the selection list of the 4<sup>th</sup> respondent and not the appointment order issued to her. That apart, the appointment of the 4<sup>th</sup> respondent has since been regularized since she has been working for the last seven years.

**15.** In reply, Mr.Prabhu Rajadurai, learned counsel for the review petitioner would submit:

- a) The online application form does not provide a column for indicating priority which a candidate may be eligible to seek in terms of 200 point roster nor is there any indication that 200 point roster is applicable for contemplated appointment.
- b) Reading Regulation 89 along with 200 point roster + the online application, nowhere it is indicated that inter-caste married candidates should be given priority. Notification therefore has to be read and if necessary read down contextually and ex-service men and destitute widows are excluded in clause 11 of the Notification. Destitute widows and ex-service men were not accorded any priority and it is not because it is a policy decision but because Regulation 89(2) itself does not give priority to them.

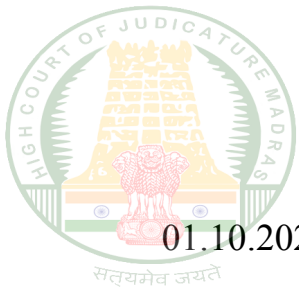


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**16.** Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondents TANGEDCO and carefully perused the materials available on record.

**17.** The plight of the petitioner is that there is an error apparent on the face of the judgment rendered by the Hon'ble Division Bench of this Court in W.A.(MD)No.886 of 2020, in which the Hon'ble Division Bench has negated the fact that the TANGEDCO Corporation clearly violated their own TANGEDCO Service Regulation No.89(3), which provides for reservations of appointments - Rule in force and the employment Notification issued by them. Categorically contending that the priority category for inter caste marriage candidate cannot be extended to the selection pursuant to the Notification No. 1/2015, as per TANGEDCO Service Regulation 89(3) reservations of appointments Rule in force, the learned counsel for the petitioner pressed for allowing the Review Application.

**18.** No doubt, the aforesaid judgment of the Hon'ble Division Bench in W.A.(MD)No.886 of 2020 was challenged by the petitioner by filing S.L.P.No. 15174 of 2021 before the Hon'ble Apex Court and the same was dismissed on



01.10.2021. Since the Special Leave Petition was dismissed in limine without

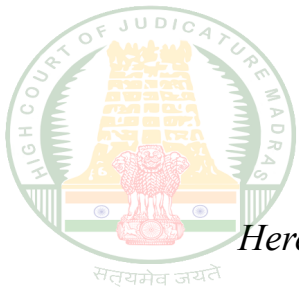
any speaking order, the petitioner claims that he is entitled to file a Review Application before this Court, as per the judgment of the Hon'ble Supreme Court in the case of ***Khoday Distilleries Limited and Others versus Sri Mahadeshwara Sahakara Sakkare Karkhane Limited*** in ***Civil Appeal No. 2432 of 2019*** (arising out of SLP (C) No.490 of 2012) and ***Civil Appeal No. 2433 of 2019*** (arising out of SLP (C) No.13792 of 2013). For the sake of convenience, paragraph no.28 of the aforesaid judgment of the Hon'ble Apex Court is extracted hereunder:-

*“28) Applying the aforesaid principles, the outcome of these appeals would be as under:*

*Civil Appeal arising out of Special Leave Petition (Civil) No. 490 of 2012: In the instant case, since special leave petition was dismissed in limine without giving any reasons, the review petition filed by the appellant in the High Court would be maintainable and should have been decided on merits. Order dated November 12, 2008 passed by the High Court is accordingly set aside and matter is remanded back to the High Court for deciding the review petition on merits. Civil Appeal disposed of accordingly.*

*Civil Appeal arising out of Special Leave Petition (Civil) No. 13792 of 2013: In this case, we find that the special leave petition was dismissed with the following order passed on January 05, 2012:*

*“We find no ground to interfere with the impugned order. The special leave petition is dismissed.”*

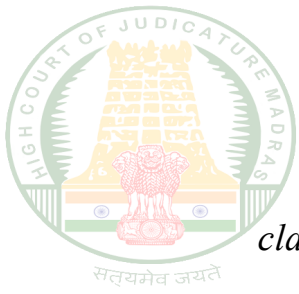


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*Here also, special leave petition was dismissed in limine and without any speaking order. After the dismissal of the special leave petition, the respondent in this appeal had approached the High Court with review petition. Said review petition is allowed by passing order dated December 12, 2012 on the ground of suppression of material facts by the appellant herein and commission of fraud on the Court. Such a review petition was maintainable. Therefore, the High Court was empowered to entertain the same on merits. Insofar as appeal of the appellant challenging the order dated December 12, 2012 on merits is concerned, the matter shall be placed before the regular Board to decide the same.”*

19. Even in the instant case, the Special Leave Petition was dismissed by the Hon'ble Apex Court in limine without any speaking order and without going into the merits of the case. The grievance of the petitioner is that the Hon'ble Division Bench of this Court in W.P.(MD)No.886 of 2020, failed to go into the anomalies pointed out by the learned Single Judge in paragraph no.10 of the order in W.P.(MD)No.5739 of 2017 and the same is extracted as follows:-

*“10. Insofar as the clause that the Rule of reservation would be made applicable in the recruitment process is concerned, the respondents would rely upon two Government Orders in G.O.Ms.No.65 P&AR Department, dated 27.05.2009 and G.O.Ms.No.142 P&AR Department, dated 14.10.2009. While G.O.Ms.No.65 relates only to Communal Roster, G.O.Ms.No.142*



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*clarifies that the reservation would be made applicable only for recruitments made through Employment Exchange. I am not able to appreciate as to how reliance could be placed on G.O.Ms.No. 142 for the purpose of enabling the respondents to give priority for Inter-caste Marriage category, when admittedly the present recruitment process is not through Employment Exchange. As a matter of fact, paragraph No.2 of G.O.Ms.No.142 categorically exempts such category, when the recruitment is not through Employment Exchange. Apart from the aforesaid Government Orders, no other reason has been assigned by the respondents in giving preference to the appointment of the fourth respondent. In the absence of any regulations, which would entitle the respondents to give preference to the fourth respondent to the post, it can only be stated that the appointment of the fourth respondent itself is contrary to the recruitment process and therefore illegal.”*

**20.** As far as the applicability of G.O.Ms.No.142 for the purpose of enabling the respondents to give priority for inter caste marriage category, the same has to be adopted by TANGEDCO. The said point of view is expressed by the Hon'ble Division Bench in para no.20 of his judgment and the same is extracted as follows:-

*“20. Further, G.O.(Ms) No.142, dated 14.10.2009, has not been shown to be adopted by the TANGEDCO and therefore, it cannot be made applicable unless and otherwise it has been adopted by TANGEDCO. To put it in a different form, if the*



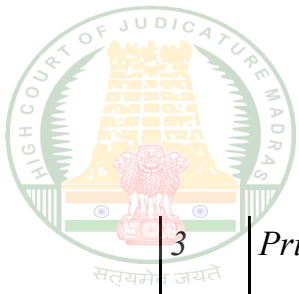
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*candidates apply for the post by direct recruitment and they are drawn from two sources, namely, those candidates whose names have been sponsored from Employment Exchange and those candidates, who apply from the open market pursuant to the advertisement issued in the newspapers, then automatically priority category could be made applicable. On the contrary, if the recruitment process is conducted only by inviting applications from the open market by issuing advertisement in the dailies, then unless and until it is shown that G.O.(Ms) No.142 has been adopted by TANGEDCO, the same cannot be made applicable.”*

**21.** Having observed the same in para no.20, without delving into the intricacies of the same, the Hon'ble Division Bench elaborately dealt with the Notification, more particularly Clause 11(7) and the same is extracted as follows:-

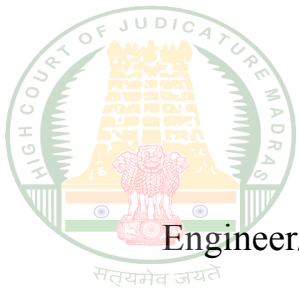
*“Clause 11(7): Candidate must upload the relevant scanned copies in PDF format as follows:*

| Sl.No. | Certificate                       | Description                                                                                                                                 |
|--------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1.     | Provisional of Degree Certificate | Proof of prescribed Educational Qualification in support of their Educational Qualification                                                 |
| 2.     | Community Certificate             | All the communities (other than OC/belonging to SC/SCA/ST/ BCO/ BCM/ (MBC/DC) in case of those who claims quota under communal reservations |



|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 3 | <i>Priority Certificates for</i> <ul style="list-style-type: none"><li>• <i>Disabled Ex-serviceman</i></li><li>• <i>Dependent of Ex-serviceman killed/disabled in action</i></li><li>• <i>Destitute widown</i></li><li>• <i>Ex-serviceman/Dependents of serving personnel of Ex-serviceman</i></li><li>• <i>Intercaste marriage</i></li><li>• <i>Repatriate (Country)</i></li><li>• <i>Member of the family whose lands acquired by the Government</i></li><li>• <i>Dependents of freedom fighter</i></li><li>• <i>Retrenched</i></li></ul> | <i>To avail special category reservations(If applicable)</i>                   |
| 4 | <i>Differently abled certificate</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>To avail the Differently abled reservation</i>                              |
| 5 | <i>Studied Prescribed Qualification in Tamil Medium</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <i>The PSTM certificate shall be obtained from the Head of the Institution</i> |

22. The said Clause deals with the priority category. Observing that in serial No.3 in column 2, in the enlisted priority certificates, among the 9 categories, inter-caste marriage has been cited in the fifth place. Of the 9 categories, only destitute widow and ex-servicemen categories has been specifically excluded by the aforesaid Notification and hence, it can be deemed that the other priority categories are permitted in the said selection process. That apart, the Hon'ble Division Bench categorically held that though the learned Single Judge refrained himself from setting aside the selection of Kausalya Devi.P in serial No.18 of the published list of 21 Assistant



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Engineer/Electrical (ECE/EEE) by direct recruitment 2015 – 2017, the

petitioner herein had failed to challenge the same. It is not the petitioner, who had preferred W.A.(MD)No.886 of 2020, but it is TANGEDCO. Having not preferred to challenge the order passed by the Hon'ble Single Judge in W.P. (MD)No.5739 of 2017 or dated 28.02.2020, the petitioner has no *locus standi* to question the appointment of the second respondent/fourth respondent, that is, Kausalya Devi.P and the learned Hon'ble Division Bench proceeded to conclude that without setting aside the appointment of said Kausalya Devi, the learned Writ Court ought not to have directed to appoint the first respondent, that is, the petitioner herein in the post of Assistant Engineer and the same is not sustainable. Respectfully agreeing with the view of the Hon'ble Division Bench, we are of the considered opinion that the petitioner ought to have challenged the order in W.P.(MD)No.5739 of 2017 dated 28.02.2020. Having not done so, we do not find any error apparent on the face of record in the judgment passed by the Hon'ble Division Bench in W.A.(MD)No.886 of 2020 dated 30.07.2021. Though the Hon'ble Division Bench had observed that the TANGEDCO, without adopting G.O.Ms.No.142 dated 14.10.2009, had proceeded to incorporate the priority category in its Notification, this Court is cautious in holding that there is no error apparent on the face of a record in the aforesaid judgment, because the Notification in question has not been



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challenged by the petitioner.

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**23.** Accordingly, the Review Application fails and the same is dismissed.

There shall be no order as to costs. Consequently, miscellaneous petition is closed.

(N.S.S., J.) (L.V.G., J.)  
06.01.2025

Index : Yes / No  
Neutral Citation : Yes / No  
Internet : Yes / No  
Mrn



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To

- 1.The Chairman Cum Managing Director,  
Tamil Nadu Generation and Distribution Corporation,  
NPKRR Maligai,  
No.144, Anna Salai,  
Chennai – 600 002.
- 2.The Chief Engineer (Personnel),  
NPKRR Maligai,  
No.144, Anna Salai,  
Chennai – 600 002.
- 3.The Senior Personnel Officer/Recruitment,  
8<sup>th</sup> Floor, NPKRR Maligai,  
No.144, Anna Salai,  
Chennai – 600 002.



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Rev.Aplc(MD)No.150 of 2021

**N.SESHASAYEE, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

MRN

**Pre-delivery Judgment made in**  
**Rev.Aplc(MD)No.150 of 2021**  
**in**  
**W.A(MD)No.886 of 2020**

**06.01.2025**