

W.P.(MD) No.20072 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 06.08.2025

Pronounced On : 11.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.20072 of 2017

and

W.M.P.(MD)No.16338 of 2017

S.Renganathan,
S/o.Subbiah,
C-432, Anu Vijay Township,.
Chettikulam - 627 120,
Radhapuram Taluk,
Tirunelveli District.

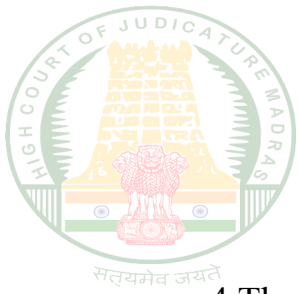
... Petitioner

Vs.

1. Nuclear Power Corporation of India Limited,
Rep by its Chief Managing Director,
Nabhikiya Urja Bhavan, Anusakthi Nagar,
Mumbai - 400 094.

2. Nuclear Power Corporation of India Limited,
Rep by its Director - HR, ,
Nabhikiya Urja Bhavan, Anusakthi Nagar,
Mumbai - 400 094.

3.. Nuclear Power Corporation of India Limited,
Rep by its Site Director,
Kudankulam Nuclear Power Project,
Kudankulam - 627 106,
Radhapuram Taluk,
Tirunelveli District.



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4. The Standing Selection Committee,
Rep by its Chairman,
Kudankulam Nuclear Power Project
Kudankulam ~ 627 106,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER in W.P.:

To issue a a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Promotion Interview Result issued vide Annexure 'E' on on the file of the Respondent No.4 dated 30.11.2016 and quash the same as illegal and consequently for a direction, directing the Respondent to promote the Petitioner in the post of Scientific Assistant D with effect from 01.07.2016 with/all consequential benefits within the time period stipulated by this Hon'ble Court and pass any further or other orders as this Hon'ble Court may deem fit under the circumstances of the case and thus render Justice.

PRAYER in WMP:

To pass an order of interim injunction restraining the respondents from conducting interview for the post of Scientific Assistant – C to Scientific Assistant – G in the respondent Corporation pending disposal of the writ petition and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.Rithik Sushil, Advocate
for Mr.T.Lajapathi Roy Associates

For Respondents : Mr.Krishna Srinivasan, Senior Counsel
for Ramasubramaniam and Associates



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JUDGMENT

Heard.

2. The petitioner challenges the promotion granted by the 4th Respondent on 30.11.2016 and seeks a further direction for his promotion to the post of Scientific Assistant/D with effect from 1.7.2016, together with all consequential benefits. When the matter was taken up on 2.11.2017, notice was issued to the respondents. Pending such notice, this Court, in the Miscellaneous Petition, ordered that any further promotions would be subject to the outcome of the writ petition and that this condition should be communicated to all candidates.

3. The Respondents filed a counter affidavit dated 29.07.2025.

In paragraphs 5, 6, and 6(c), they have averred as follows:—

“5. ...The Petitioner was appointed as a Stipendiary Trainee / Scientific Assistant on 21.04.2008 and subsequently as Scientific Assistant /B on 21.10.2009. The eligibility for promotion to all posts in the 1st Respondent Corporation including the post of Scientific Assistant – C is on the basis of the Annual Performance Assessment Report (APAR) gradings.



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6. Possession of the prescribed APAR grading for promotion is only an eligibility (i.e.) the threshold criteria to be considered for promotion to the relevant post. The promotion itself is on the basis of the outcome of an interview which is conducted by the 4th respondent, the Standing Selection Committee. Due to the changes in provisions with respect to promotion norms, the Petitioner was called for interview with effect from 01/07/2011 for the post of Scientific Assistance /C on 18/10/2012 during which he attended the interview and argued with the Standing Selection Committee (i.e. respondent No.4) and did not allow the Committee to conduct the interview. Thereafter, once again he was called for interview on 21/10/2012 which he attended but was found unfit. Being aggrieved by the same, the Petitioner has approached this Hon'ble Court invoking its extraordinary jurisdiction under Article 226 of the Constitution of India under specious and untenable grounds. Subsequently, the Petitioner was called for interview with effect from 01/07/2012 for the post of Scientific Assistant / C on 01/12/2012 which he attended and found it.

6(c)it is submitted that possession of APAR grading is only an eligibility criterion to be met for being considered for promotion. The candidates will then have to attend an interview before the 4th Respondent and if found to be fit, will be promoted. Mere acquiring APAR grading will not be a guarantee for promotion nor can the candidate be promoted without performing well in the interview. The Petitioner can't claim the promotional post just because he is eligible for the promotion."

4. The counsel for the Petitioner placed strong reliance on the judgment of the Supreme Court in *Ajay Hasia v. Khalid Mujib Sehravardi*, reported in (1981) 1 SCC 722, and contended that awarding



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marks exceeding 15% in the oral interview would be arbitrary, unreasonable, and liable to be struck down as constitutionally invalid.

5. Per contra, the counsel for the Respondent relied on the subsequent judgment of the Supreme Court in ***Kiran Gupta v. State of U.P.***, reported in (2000) 7 SCC 719. In that case, it was observed that *Ajay Hasia* pertained to admissions in educational institutions and to situations where the prescribed method of recruitment involved a written examination followed by an interview. In paragraphs 23 to 26, the Court observed as follows:—

“23. However, it will be apt to refer to the decision of a three-Judge Bench of this Court in *Lila Dhar Vs. State of Rajasthan and Ors.* [1981 (4) SCC 159]. There, the impugned selection for the posts of District Munsifs under Rajasthan Judicial Service Rules was made by the Rajasthan Public Service Commission. The ratio of marks allocated for written test and interview was 75:25. Speaking for the Court, Justice O. Chinnappa Reddy pointed out:

"In the case of admission to a college, for instance, where the candidate's personality is yet to develop and it is too early to identify the personal qualities for which greater importance may have to be attached in later life, greater weight has per force to be given to performance in the written examination. The importance to be attached to the interview-test must be minimal. Therefore, the ratio of the decisions in *Minor A. Peeriakaruppan etc. Vs. State of Tamil Nadu and Ors.* [1971 (1) SCC 38] and *Ajay Hasia and Ors. Vs.*



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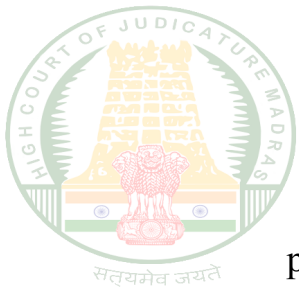
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Khalid Mujib Sehravardi and Ors. [1981 (1) SCC 722], in this regard, cannot be applied in case of services to which recruitment has necessarily to be made from persons of mature personality, interview test may be the only way, subject to basic and essential academic and professional requirements being satisfied."

That case has been consistently followed in various judgments of this Court. We refer to a few of them here.

24.In *Dr.Keshav Ram Pal Vs. U.P.Higher Education Services Commission, Allahabad & Ors.* [1986 (1) SCC 671], referring to the view taken by this Court in *Periakaruppan Vs. State of T.N.* (supra) and *Ajay Hasia vs. Khalid Mujib Sehravardi* (supra) that the importance to be attached to the interview test must be minimal, this Court commented that in the case of services to which recruitment had necessarily to be made from persons of mature personality, interview test might be the only way, subject to basic and essential academic and professional requirements being satisfied and that subjecting such persons to a written examination might yield unfruitful and negative results, apart from it being an act of cruelty to those persons.

25.In *Anzar Ahmad etc. Vs. State of Bihar and Ors. etc.* [1994 (1) SCC 150], for appointment to the posts of Unani Medical Officer the Government prescribed that the Public Service Commission shall select the candidates on the basis of interview. The Commission allocated 50% marks for academic qualification and 50% for interview. This Court, after referring to the aforementioned cases and relying upon *Lila Dhar's case* , upheld the method of selection by interview alone. That decision was followed in *A.P. State Financial Corporation Vs. C.M. Ashok Raju and Ors.*[1994 (5) SCC 359]. In that case also selection of candidates by interview without a written test was upheld by this Court. The posts of Managers in the *A.P.Financial Corporation* were to be filled by interview without a written test. The Corporation approved the



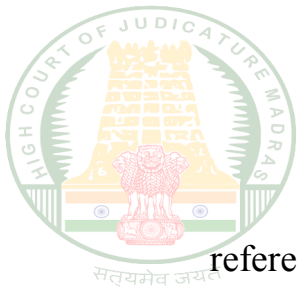
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promotion criteria by viva voce without a written test and allocated marks under various heads; among them for interview 25% and for length of service 15% marks were prescribed. A Division Bench of the High Court while upholding the allocation of marks under various heads, reduced the percentage of marks for interview from 25% to 15% and increased percentage of marks for length of service from 15% to 25%. On appeal, this Court held that the High Court fell into patent error in reaching the conclusion that 25% marks for interview were, in the facts of that case, excessive. It was observed that there was no dispute that no written test was prescribed for promotion to the post of Manager and above and the selection/promotion was only by viva voce test, so no limit could be imposed for prescribing the marks for interview.

26. In *Siya Ram Vs. Union of India and Ors.* [1998 (2) SCC 566] one of the grounds of attack was that the Rules regarding selection for the post of Chief Personnel Inspector in Railways, permitted only oral test in the form of viva voce and no written examination was held. It was contended that the result of a selection merely on the basis of viva voce could not be reasonably fair and was liable to lead to arbitrariness. There, out of 100 marks, 50 were allotted for professional ability without prescribing any norms. While rejecting the contention, this Court, following the *Lila Dhar's* case, held that at times for certain posts only interview was considered to be the best method of selection.”

6. In fact, quite recently, a three-Judge Bench of the Supreme Court considered the *Lila Dhar case (supra)* along with other related decisions in *Dr. Kavita Kamboj v. High Court of Punjab and Haryana*, reported in (2024) 7 SCC 103. In paragraph 45 of the said judgment,



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reference was made to *Lila Dhar case (supra)*, and while quoting paragraph 6 thereof, the following passage was emphasized:—

“On the other hand, in the case of services to which recruitment has necessarily to be made from persons of mature personality, interview test may be the only way, subject to basic and essential academic and professional requirements being satisfied. To subject such persons to a written examination may yield unfruitful and negative results, apart from its being an act of cruelty to those persons.”

7. Accordingly, in light of the stand taken by the Respondents and in view of the subsequent precedents, this Court finds no ground to warrant interference. The writ petition is, therefore, dismissed. The Miscellaneous Petition is closed. No order as to costs.

11. 09.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No

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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
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