

**(2011) 08 MAD CK 0187**

**Madras High Court (Madurai Bench)**

**Case No:** Writ Petition (MD) No. 560 of 2008 and M.P. (MD) No. 2 of 2008

D. Gomathiammal

APPELLANT

Vs

The Chairman, Tamil Nadu  
Electricity Board, Anna Salai,  
Chennai, The Chief Engineer  
(Personnel) Tamil Nadu  
Electricity Board, Anna Salai,  
Chennai and The Chief  
Engineer/Distribution, Madurai  
Region/K. Pudur, Madurai-625  
007

RESPONDENT

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**Date of Decision:** Aug. 16, 2011

**Hon'ble Judges:** Vinod K. Sharma, J

**Bench:** Single Bench

**Advocate:** Srimathy, for the Appellant;

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

The Honourable Mr. Justice Vinod K. Sharma

1. The Petitioner has approached this Court, with a prayer for issuance of a writ, in the nature of certiorari, to quash the selection process, initiated vide, DIPR/298/Dis/07, dated 18.02.2007 from Class II Service to the Post of Assistant Engineer/Electrical/Mechanical and Civil, in the Tamil Nadu Electricity Board, for the year 2007, with consequential relief of directing the Respondents to conduct fresh selection, in accordance with G.O. Ms. No. 65, Labour and Employment (N2) Department, dated 30.03.2007, and the law laid down by the Hon'ble Supreme Court.

2. The writ petition prima facie is not competent, as no select list has been challenged.
3. In absence of the persons, whose selection is to be set aside, writ is not competent, as this Court cannot pass an adverse order, in absence of party being before this Court. The writ, therefore, suffers from vice of non-joinder of necessary parties.
4. The Learned Counsel for the Petitioner, vehemently contended, that the Petitioner had undergone Apprentice Training, therefore, was entitled to preferential treatment appointment.
5. In support of this contention, the Learned Counsel for the Petitioner placed reliance on the judgment of the Hon"ble Supreme Court, in the case of [Kripa Shankar Chatterji Vs. Gurudas Chatterjee and others](#), . This judgment does not, in any way, advance the case of the Petitioner, as admittedly, vide, letter, dated 2nd August 2007, the Petitioner was called for interview, but she was not selected. It was, therefore, incumbent for the Petitioner to challenge the selected list.
6. The Hon"ble Supreme Court no-where laid down, that an apprentice has absolute right of appointment, as contended.
7. The Learned Counsel for the Petitioner also placed reliance on the judgment of the Hon"ble Supreme Court, in Appeals Nos. 5285-5328 of 1998 Tamil Nadu Electricity Board v. P.Arul and Ors., decided on 3rd October 1996, laying down:-  
this Court has, therefore, clearly laid down the Apprentices/Trainees shall have to go through the process of selection provided under the same management, they are not required to sit in the written test but in a selection where viva-voce test is also provided, it would be necessary for the Apprentices to go through the process of viva-voce. this Court has specifically laid down that a trained apprentice should be given preference other things being equal over direct recruits. In a given case an Engineering graduate may be preferred to a diploma holder apprentice. It depends on the Selection Committee and also the Regulations/Rule governing the selection.
8. This judgment also does not advance the case of the Petitioner.
9. As observed above, the Petitioner for the reasons best known, failed to place on record the impugned select list. In absence of an order impugned, the writ petition is not competent.
10. No merit. "Dismissed".
11. Consequently, connected Miscellaneous Petition is closed. No costs.