

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/8/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.A. Nos.535 and 678 of 2015
and

M.P. Nos.1, 1 and 2 of 2015

W.A.No. 535 of 2015:

The Tamil Nadu Government Agriculture
Graduates Association
rep. By its Secretary
No.45 Sait Colony II Street
Egmore
Chennai 600 008.

...Appellant

Vs

1. The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road
V.O.C.Nagar
Chennai 600 003.
2. The Government of Tamil Nadu
rep. By its Secretary
Department of Agriculture
Fort St. George
Chennai.
3. The Commissioner of Agriculture
Department of Agriculture
Chennai.
4. The Director
Commissioner of Horticulture
Ezhilagam
Chepauk
Chennai.

...Respondents

1 M. KANDASAMY
S/O A. MURUGAN 4/469 G.D. ANDAVAR NAGAR
NORTH TRICHY ROAD NEAR GANGA NAGAR
MARIYANMMAN KOVIL NAMAKKAL 637 001.

2 P. SIVAKUMAR
S/O K. PANDY 01/515A
SANGOTHI AMMAN KOIL STREET
UTHANDI ECR CHENNAI 600 119.

3 U. CHERALATHAN
S/O V. UTHAMARAJAN 31 /A/2
RMS ILLAM INDIRA NAGAR MOHANUR ROAD
NAMAKKAL 637 001.

[PETITIONER]

Vs

1 THE TAMILNADU GOVERNMENT
AGRICULTURE GRADUATES ASSOCIATION
REP BY ITS SECRETARY NO.54
SAIT COLONY 2ND STREET
EGMORE CHENNAI 8

2 THE GOVERNMENT OF TAMILNADU
REP BY ITS SECRETARY DEPT. OF AGRICULTURE
FORT ST. GEORGE CHENNAI

3 THE COMMISSIONER OF
AGRICULTURE DEPARTMENT OF AGRICULTURE
CHENNAI

4 THE SECRETARY
TAMIL PUBLIC SERVICE COMMISSION
THE FRAZER BRIDGE ROAD
VOC NAGAR PARK TOWN
CHENNAI 3

5 THE DIRECTOR
THE DIRECTORATE OF HORTICULTURE
EZHILAGAM
CHEPAUK CHENNAI

[RESPONDENTS]

Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in M.P.No.3 of 2014 in W.P.No.2607 of 2014 dated 6/3/2015.

MP.NO.3 OF 2014 IN WP.NO.2607/2014:

Permit the Petitioner service Commission to Publish the Consolidated Mark Statement of only the 358 Candidates who attended the oral interview for the post of Horticulture officers which took place from 01.06.2015 to 04.06.2015 and pass such further or other suitable orders in WP.No.2607/2014 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to pass orders on the recommendations made by the Committee constituted as per G.O.Ms. No.1 Agricultural (AA1) Department dt 4.1.2013 and to consequently forbear the respondents from proceeding with the recruitment for the posts subject matter of notification issued by the 3rd respondent in notification No.21/2013 dt 17.12.2013 without passing an order on the recommendations made by the Committee constituted as per G.O.Ms. No.1 Agricultural (AA1) Department dt 4.1.2013 by considering our representation dt 23.12.2013.

W.A.No. 535 of 2015:

For appellant : Mr.S.Nambi Arrooran
For respondents : Mr.P.H.Arvinth Pandian
AAG
for Ms.C.N.G.Niraimathi
for R.1
Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R.R.2 to 4.

For Appellant : Mr.S. Rajendran

For Respondent 1 : Mr.S.Nambi Arooran

For Respondents 2,3 & 5 : Mr.P.S. Sivashanmuga Sundaram

For Respondents 4 : M/s. C.N.G. Niraimathi

C O M M O N J U D G M E N T
(Judgment of the Court was made by SATISH K. AGNIHOTRI,J.,)

Writ Appeal No.535 of 2015, arises from the order dated 6th March, 2015, whereunder, the order dated 29th January, 2014, passed in W.P.No.2607 of 2014 was modified as under:-

"Heard both sides. It is seen that a period of nearly one year has lapsed from the date of passing the above said order. There is no need to modify the order passed by this Court since this Court has not given any positive direction in the order. In fact, this Court has restrained the respondents only for a period of four weeks from the date of order, not to proceed with the recruitment to enable the Government to take decision. But in the said order, this Court has not restrained the 3rd respondent not to proceed with the recruitment beyond the period of four weeks from the date of the order."

2. During the pendency of these appeals, the State Government has considered the report of the Committee, constituted under G.O.Ms.No.1 Agriculture (AAI) Department dated 4th January, 2013 and rejected the same. In that view of the matter, nothing survives for adjudication at this stage.

3. Resultantly, nothing survives for adjudication and as such, Writ Appeal No.535 of 2015 is dismissed, reserving liberty to the parties to take recourse to the appropriate forum, if so advised, under the provisions of law. No costs. Connected M.P. Nos. 1 and 2 of 2015 are dismissed. Consequent thereon, Writ Appeal No.678 of 2015 is dismissed as having become infructuous. No costs. Connected M.P.No.1 of 2015 is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road
V.O.C.Nagar
Chennai 600 003.

2. The Secretary
Government of Tamil Nadu
Department of Agriculture
Fort St. George
Chennai.

3. The Commissioner of Agriculture
Department of Agriculture
Chennai.

4. The Director
Commissioner of Horticulture
Ezhilagam
Chepauk
Chennai.

1 CC to M/s. Ajmal Associates, Advocate SR.No. 46009

1 CC to M/s. C.N.G. Niraimathi, Advocate SR.No. 45977

1 CC to Mr.S.Rajendran, Advocate SR.No. 46142

TS (CO)

PSI (02.09.2015)

सत्यमेव जयते

W.A. Nos.535 and 678 of 2015

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