

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.13780 & 13781 of 2016

V.Vidyasagar

...Petitioner in W.P.13780 of 2016

V.Raja

...Petitioner in W.P.13781 of 2016

-Vs-

1. The Secretary to the Government
Agricultural Department
Fort St.George
Chennai 600 009

2. The Chief Engineer
Agricultural Department
Chepauk
Chennai 600 005

... Respondents 1 & 2 in both the W.P's

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to consider the petitioners' representation dated 20.08.2015 and to include the petitioners' names also in the list of candidates proposed for appointment as Assistant Engineer in the Agricultural Department.

For Petitioners : Mr.J.Thilagaraj

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

ORDER

The petitioners, having obtained the Bachelor's Degree in Agricultural Engineering from the Tamil Nadu Agricultural University, Coimbatore and belonging to Scheduled Caste community, have given a representation dated 20.8.2015 to consider their names while filling up the remaining six vacancies under the SC/ST quota for the post of Assistant Engineer in the Agricultural Department, in the light of the direction given by a Division Bench of this Court in the case of Tamil Nadu Dr.Ambedkar Agriculture Engineers Association represented by its President K.Chandra Mohan v. State of Tamil Nadu rep.by the Secretary to Government, Agricultural

Department, Secretariat, Chennai and others, (2013) 7 MLJ 663, wherein it has been held that for future appointment to the post of Assistant Engineer in the Agricultural Department, the backlog vacancies should be properly filled up. It is also the case of the petitioners that even after absorbing the incumbents, six more vacancies under the SC/ST category remain unfilled. Since the said representation has not been considered, they have come to this Court.

2. Being going to the prayer, it is relevant to extract paragraph-21 of the aforesaid order of the Division Bench observing as follows:-

"21. Learned counsel appearing for the appellant made serious objection as to the manner of filling up of vacancies by taking recourse to Rule 10(a)(i), that only those who are registered before the Employment Exchange are considered; that candidates otherwise qualified are not considered solely by reason of their non-registration, which means, the legitimate expectation of the candidates possessing qualification to participate in the selection process through advertisement and qualifying tests is lost. We do not think that the grievance projected by the appellant can be lightly rejected, more so in the context of the decision of the Apex Court and the Rules available therein for recruiting persons to the post of Assistant Engineers or to any other post in the service through the legally accepted method by calling for applications."

3. A reading of the above observation clearly shows that the respondents should fill up the backlog vacancies earmarked for the reserved category, without taking recourse to Rule 10(a)(i), by inviting applications from the eligible candidates. Therefore, the prayer made by the petitioners, merely on the premise that they are waiting in the employment exchange office and their names should be considered, is far from acceptance, in view of paragraph-21 of the order of the Division Bench mentioned supra. Accordingly, the writ petitions fail and they are dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ss

To

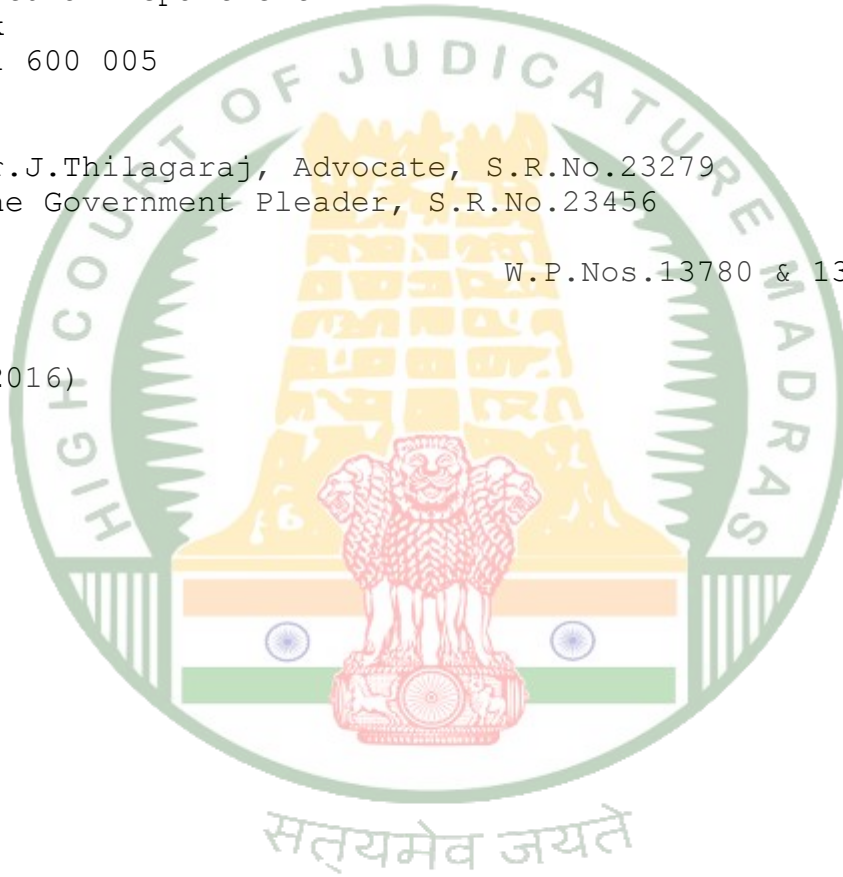
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Agricultural Department
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Chennai 600 009

2. The Chief Engineer
Agricultural Department
Chepauk
Chennai 600 005

+1cc to Mr.J.Thilagaraj, Advocate, S.R.No.23279
+1cc to the Government Pleader, S.R.No.23456

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RSY(CO)
CA(12/05/2016)



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