

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.28206 of 2014, 23025, 24982, 21545,
18291 and 21343 of 2015
M.P.Nos.1 & 2 of 2014 and M.P.No.1 of 2015
in W.P.No.28206 of 2014
M.P.No.2 of 2015 and WMP.No.4582 of 2016
in W.P.No.23025 of 2015
M.P.Nos.1 to 3 of 2015 in W.P.No.24982 of 2015
M.P.Nos.1 to 3 of 2015 in W.P.Nos.21545 & 18291 of 2015
and
M.P.Nos.1 & 2 of 2015 in W.P.No.21343 of 2015

Tamil Nadu Sericulture Staff Association
(Regn.No.46/12),
Rep. By its General Secretary,
No.137/84, Sthabagar Amarrar L.Durari,
Manilamayam, Salem.

...Petitioner W.P.28206/14

G.Mohan Kumar

...Petitioner W.P.23025/15

S.Ramasamy

...Petitioner W.P.24982/15

V.Mariappan

...Petitioner W.P.21545/15

S.Selvam

...Petitioner W.P.18291/15

N.M.Mani

...Petitioner W.P.21343/15

vs.

The Director of Sericulture,
Sericulture Department,
Salem.

...1st Respondent in WPs.28206/14
& 2nd Respondent in WPs.24982,
21545, c 18291 & 21343/15 and
Respondent in WP.23025/15

The Director of Employment and Training,
Guindy,
Chennai - 600 032.

...2nd Respondent in WP.28206/14

State of Tamilnadu,
Rep.by its Secretary to Government,
H.H.T.K. Department (Handloom Handicraft
Textile Khadar),
Fort St.George,
Chennai 600 009.

...1st Respondent in WPs.24982, 21545,
18291 & 21343/15

Prayer in W.P.No.28206 of 2014 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus to call for the records of the first respondent in R.C.No.16013/E4/2014, dated 19.08.2014, and the consequential proceedings in Na.Ka.No.16013/PA4/2014, dated Nil/10/2014, quash the same and consequently direct the first respondent to select and appoint the Members of the Association to the post of Junior Inspector of Sericulture by recruitment by transfer or by direct recruitment by resorting to paper publication along with the sponsoring of names through the employment exchange by adhering to service rule with regard to the essential qualification and experience.

Prayer in W.P.No.23025 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to Notification No.01/2015 published on 9.5.2015 and the subsequent Corrigendum in Notification No.01/2015 dated 9.5.2015 published on 16/5/2015 and to quash the same in so far as the selection to the post of Junior Inspector of Sericulture is concerned and consequently direct the respondents to conduct selection to the post of Junior Inspector of Sericulture in accordance with qualification prescribed under Special Rules for Tamilnadu Industries Subordinate Services on merits based on the marks secured in the written examination.

Prayer in W.P.No.24982 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to Call for the notification issued by the second respondent in Advertisement No.1 of 2015 published on 09.05.2015 and the consequential corrigendum to the said notification published on 16.05.2015 and quash the same so far as the notification with regard to the post of Junior Inspector of Sericulture is concerned and consequently direct the second respondent herein to select and appoint the petitioner to the post of Junior Inspector of Sericulture.

Prayer in W.P.No.21545 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to Call for the entire records

in notification issued by the second respondent in Advertisement No.1 of 2015 published on 09.05.2015 and the consequential corrigendum to the said notification published on 16.05.2015 in Dina Tandhi and quash the same and consequently direct the second respondent herein to fill up the post of Assistant Inspector of Sericulture by selecting and appointing the petitioner to the said post.

Prayer in W.P.No.18291 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to Call for the notification issued by the second respondent in Advertisement No.1 of 2015 published on 09.05.2015 by Daily Thanthi News Paper and the consequential corrigendum to the said notification published by Daily Thanthi News Paper on 16.05.2015 and quash the same and consequently direct the second respondent herein to fill up the post of Assistant Inspector of Sericulture by selecting and appointing the petitioner to the said post.

Prayer in W.P.No.18291 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to Call for the entire records in Notification issued by the second respondent in Advertisement No.1 of 2015 published on 9.5.2015 in Daily Thanthi and the consequential Corrigendum to the said Notification published on 16.5.2015 in Dina Thanthi and quash the same and consequently direct the second respondent herein to fill up the Post of Assistant Inspector of Sericulture by selecting and appointing tge petitioner to the said post.

For Petitioner in W.P.Nos.28206/14, : Ms.Dhakshayini Reddy
W.P.Nos.24892, 21545, for M/s.Mukund R.Pandiyan
18291 & 21343/15

For Petitioner in W.P.No.23025/15 : Mr.G.Sankaran

For Respondents in all WPs. : Mr.P.H.Aravind Pandiyan,
Additional Government Pleader
assisted by Mrs.A.Sri Janthi
Special Government Pleader
and Mr.C.Sailendran,
Government Pleader

COMMON ORDER

Since all the writ petitions, except W.P.No.28206 of 2014, have been filed challenging the notification issued by the second respondent by Advertisement No.1 of 2015, dated 09.05.2015 and the subsequent Corrigendum to the said notification issued on 16.05.2015 with the regard to the appointment of Junior Inspector of Sericulture, these writ petitions are taken up together and disposed of by this common order.

2. Writ Petition No.28206 of 2014 has been filed by the Tamil Nadu Sericulture Staff Association, represented by its General Secretary, seeking to quash the impugned proceedings of the first respondent in RC.No.1603/E4/2014, dated 19.08.2014, and the consequential proceedings in Na.Ka.No.16013/PA4/2014, dated Nil/10/2014, calling for the candidates from the employment exchange, with a consequential direction to the first respondent to select and appoint the the members of the association to the post of Junior Inspector of Sericulture by recruitment by transfer or by direct recruitment by resorting to paper publication.

3. Learned counsel appearing for the petitioner in W.P.No.18291/15 submitted that the challenge has been made on the ground that the petitioner's promotion by transfer should not impaired, since he has been working for a long time without any promotion. In reply, learned Additional Advocate General submitted that the impugned notification issued calling for application from the eligible candidates to fill up the post of Junior Inspector of Sericulture is not going to cause any prejudice to the promotional avenues of the petitioners, since the above posts are going to be filled on the basis of 1:1 ratio. As the petitioners have been working in the same department, their names for further promotion would be considered as and when they become eligible for such promotion.

4. In respect of other writ petitions, learned Additional Advocate General for the respondents further submitted that by virtue of the interim stay granted by this Court, all the petitioners have duly participated in the written examination. The department has allotted 75% marks for the written examination and 25% marks for the interview and the personality test. Thus, no prejudice is going to be caused to any of the writ petitioners, if the above said writ petitions are closed.

5. Learned counsel appearing for the petitioner in W.P.No.23025 of 2015 submitted that the respondents have not intimated well in advance their intention to hold the written examination, as a result, they were not able to prepare well for the same to meet out the benchmark set out by the respondents. However, since they have come forward to allot 75% marks for the written examination and 25% marks for the interview and personality test, he has no grievance.

6. Recording the above said statement made by the learned Additional Advocate General, Writ Petition Nos.23025, 21545, 18291 and 21343 of 2015 stand disposed of.

7. In respect of Writ Petition No.24982 of 2015, the respondents are directed to consider the grievance of the petitioner in terms of paragraph 21 of the order passed by this Court in W.P.Nos.19005 to 19009 of 2015, dated 27.11.2015. With this direction, this writ petition also stands disposed of.

8. In view of the subsequent advertisement made through paper publication by the respondents for the post of Assistant Inspector of Sericulture, the W.P.No.28206 of 2014 filed by the Tamil Nadu Sericulture Staff Association seeking a direction to the respondents to make an advertisement through paper publication has become infructuous, accordingly, this writ petition stands dismissed as infructuous. No Costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Sericulture,
Sericulture Department,
Salem.
2. The Director of Employment and Training,
Guindy,
Chennai - 600 032.

3. The Secretary to Government,
H.H.T.K. Department (Handloom Handicraft
Textile Khadar),
Fort St.George,
Chennai 600 009.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.10634
+2cc's to the Government Pleader, S.R.No.10789 & 10807

W.P.Nos.28206 of 2014, 23025, 24982, 21545,
18291 and 21343 of 2015

BVR(CO)
CA(09/03/2016)



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