

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.6474, 6475, 5513 and 5529 of 2016

P.Venkatesh	... Petitioner in W.P.No.6474/16
P.Gokul Krishnan	... Petitioner in W.P.No.6475/16
N.Kandasamy	... Petitioner in W.P.No.5513/16
S.Sethupathi	... Petitioner in W.P.No.5529/16

Vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Handlooms, Handicrafts, Textiles & Khadi Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director of Sericulture,
Foulks Complex,
Anaimedu, Salem - 1. ... Respondents all WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus to call for the records of the second respondent in Notification No.1/2016, dated 13.01.2016 and quash the same as illegal and consequently direct the respondents to continue their recruitment process based on the earlier notification dated 09.05.2015 and also order of the Hon'ble High Court passed in W.P.No.19005 to 19009 of 2015, dated 27.11.2015.

For Petitioner in W.P.Nos.6474 & 6475/16	:Mr.K.Gandhikumar
For petitioner in W.P.No.5513/16	:Mr.A.Edwin Prabakar
For petitioner in W.P.No.5529/16	:Mr.M.Habeeb Rahman

For Respondents in all WPs. :Mr.P.H.Aravindphandian, AAG
Assisted by Mrs.A.Srijayanthi, Spl.GP

COMMON ORDER

By way of filing these writ petitions, the petitioners seek to quash the impugned Notification No.1/2016, dated 13.01.2016, as illegal and consequently seek a direction to the respondents to continue their recruitment process based on the earlier Notification dated 09.05.2015 and also the order of this Court passed in W.P.No.19005 to 19009 of 2015, dated 27.11.2015.

2. Learned counsel appearing for the petitioners in W.P.Nos.6474 and 6475 of 2016 submitted that initially the second respondent issued a notification on 09.05.2015 through advertisement No.1/2015 in a daily newspaper and also in the official website of the respondent calling for the application to the post of Junior Inspector and Assistant Inspector of Sericulture for direct recruitment. In the said advertisement, the respondents have mentioned the total vacancy for the post of Junior Inspector as 157 and for the post of Assistant Inspector as 14. Therefore, on seeing such notification, the petitioners have applied for the same, as they have the requisite qualification for the said post. However, within a week, by another notification, the second respondent modified the original notification dated 09.05.2015, in issuing corrigendum on 16.05.2015, whereby the requisite qualification of six months experience has been done away. But, this Court, on challenge made to the said corrigendum, vide W.P.Nos.19005 to 19009 of 2015, dated 27.11.2015, by terming the said corrigendum issued by the second respondent as not in terms of Special Rules, set aside the same.

3. It is further submitted that when the petitioners have applied for the said post enclosing the experience certificate for having six months experience in Silk Reeling issued by the Prakash Silk Reeling, Dharmapuri, the respondents have wrongly rejected the certificate of practical experience. Assailing the said rejection order, it is further submitted that when the certificate issued by the Prakash Silk Reeling, Dharmapuri, has certified that the petitioners have got six months training in Silk Reeling, the respondents ought not to have rejected their applications. In view of the wrong rejection, the petitioners have been denied to take part in the written examination held on 07.02.2016. It is further submitted that similarly placed persons like the petitioners, who have come to this Court on earlier occasion, have been given permission to take part in the said examination, therefore, on that basis, he pleaded, the petitioner would be permitted to write the examination in holding special examination.

4. Learned counsel appearing for the petitioners in W.P.Nos.5513 and 5529 of 2016 have adopted the above said arguments.

5. It is submitted by the learned Additional Advocate General appearing for the respondents that it is too late for the petitioners to approach this Court seeking for a cancellation of the impugned notification. It is further submitted that the respondents have received four thousand applications, out of which, one thousand applications have been rejected. Since the written examination has already been held on 07.02.2016, the writ petitions filed by the petitioners seeking to quash the impugned

notification, cannot be sustained. If the request of the petitioners is considered, then it is the bounden duty of the respondents to give one more opportunity to all the one thousand rejected candidates, which is not only impractical but also would lead to lot of confusion, hence, on this basis, he stated that it is not viable for the respondents to hold special examination for the petitioners.

6. Learned Additional Advocate General has also brought to the notice of this Court a judgment of the Hon'ble First Bench of this Court, passed in W.P.No.27598 of 2015, dated 07.09.2015, wherein it is held thus:

"5. It is trite to say that in a large recruitment process, various grievances would arise and it is of utmost importance that the aggrieved party approaches the Court expeditiously so that the larger process is not stalled. This, the petitioner has failed to do and seeks to raise the issue belatedly seeking parity with persons who had approached the Court well in time and were granted interim relief for completion of their Physical Endurance Test. Such delay is fatal in this situation."

7. In the light of the above, although the petitioners have applied for the said post as per the Rules with requisite qualification by enclosing the experience certificate issued by the Prakash Silk Reeling, Dharmapuri, in my considered view, the petitioners ought not to have approached this Court after the examination was over on 07.02.2016. Moreover, a similar issue has already been decided by the Hon'ble First Bench of this Court as stated above. Hence, this Court is unable to consider the prayer of the petitioners in view of the passage of time. Accordingly, the writ petitions fail and the same are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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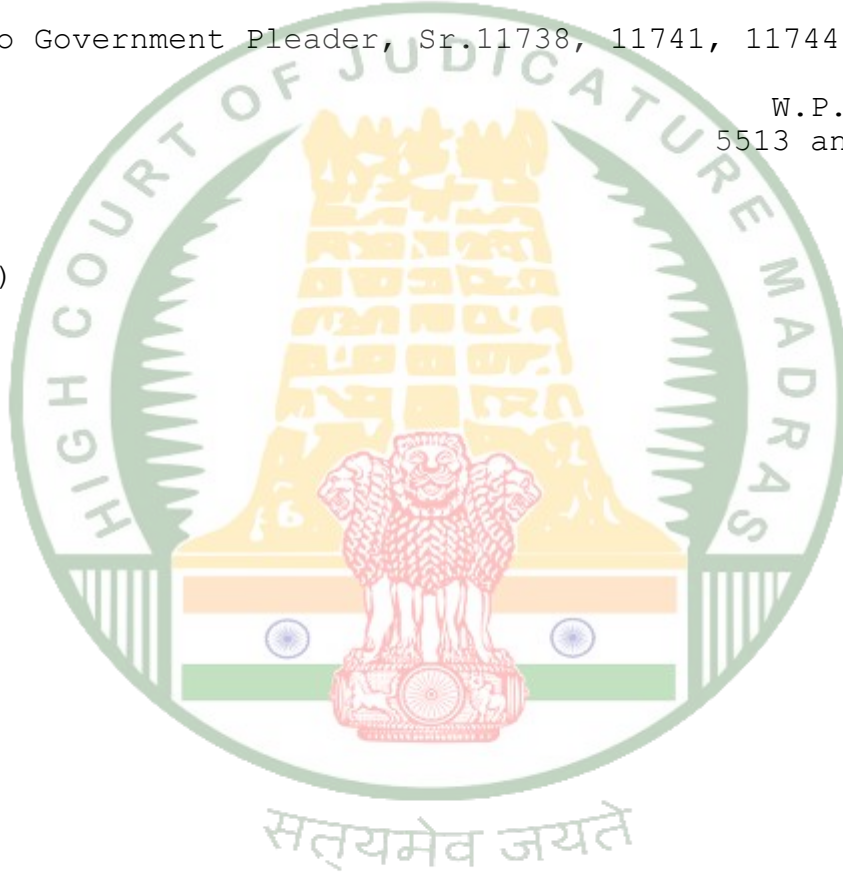
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3 ccs to Government Pleader, Sr.11738, 11741, 11744

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LRS (CO)
kk 22/3



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