

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.11025 and 11026 of 2016
WMP.Nos.9596 & 9597/16
WMP.Nos.9598 & 9599/16

M.Mahindravarman

.. Petitioner in
W.P.No.11025/16

P.Murugan

.. Petitioner in
W.P.No.11026/16

-vs-

- 1.The Government of Tamil Nadu,
Rep. By the Principal Secretary to Government,
Handlooms, Handicraft, Textiles and
Khadi Department,
Fort St. George, Chennai - 9.
- 2.The Director,
Sericulture Department,
Salem - 626 007. .. Respondents in both WPs.
1&2
- 3.K.Mohanapriya
- 4.M.Muthu
- 5.D.Jambu
- 6.S.Thangamani
- 7.M.Gomathi .. Respondents 3 to 7
in W.P.No.11025/16
- 8.D.Jambu
- 9.S.Thangamani
- 10.M.Gomathi .. Respondents 3 to 5
in W.P.No.11026/16

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records pertaining to the selection for the post of Junior Inspector of Sericulture for the year 2015-2016 and quash the same in so far as it relates to the respondents 3 to 7 and 3 to 5 are concerned respectively and consequently direct the second respondent to select the petitioners to the post of Junior Inspector of Sericulture by awarding minimum 4.00 marks to the petitioner in the interview.

For petitioners : Mr.C.P.Sivamohan
For R1 & R2 : Mr.R.A.S.Sakthivel, AGP

COMMON ORDER

The petitioners have come to this Court seeking a direction to the respondents to award 4 marks for some of the certificates possessed and produced before the authorities at the time of interview. Since the facts involved in both the writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in W.P.No.11025 of 2016 are stated below:

2. The petitioner, being a Chemistry Graduate, applied for the post of Junior Inspector and also for the post of Assistant Inspector of Sericulture by enclosing all the necessary certificates. It is also stated that he belongs to MBC community. While so, as per the Notification No.1 of 2015 dated 09.05.2015, which was re-notified vide Notification No.1 of 2016 dated 13.01.2016 issued by the 2nd respondent, applications were called for recruitment to the posts of Junior Inspector of Sericulture (257 Vacancies) and Assistant Inspector of Sericulture (43 vacancies). The qualification to apply for the post of Assistant Inspector of Sericulture is B.Sc. Graduation in Botany or Zoology or Chemistry as the main subject from a recognized University and a certificate showing that the candidate has undergone training in Sericulture for not less than six months and for the Junior Inspector of Sericulture, one has to possess Higher Secondary Course with General Science as one of the subjects. With this qualification, the petitioner has applied for the said post and he also took part in the interview, whereby he was awarded 4 marks. Further, the petitioner was awarded 98.00 marks and 108.50 marks in the written examination held for the post of Assistant Inspector of Sericulture and Junior Inspector of Sericulture respectively. However, his interview marks were declared as ''CNG'' (Certificate Not Genuine).

3. The crux of the matter placed before the Court is that when the petitioner appeared for the interview to the posts of Junior Inspector of Sericulture as well as Assistant Inspector of Sericulture, he has produced all the certificates. In the interview for the post of Assistant Inspector of Sericulture, he was awarded 4 marks, whereas, he was denied 4 marks by another panel constituted for selecting the candidates for the posts of Junior Inspector of Sericulture.

4. It is submitted by the learned counsel appearing for the petitioner that when the Selection Committee constituted for selecting the candidates for the posts of Assistant Inspector of

Sericulture has accepted all the certificates produced by the petitioner as genuine and has awarded 4 marks, surprisingly, for the reasons best known to another Selection Committee which was constituted for selecting the candidates for the posts of Junior Inspector of Sericulture, arbitrarily and unilaterally rejected the request of the petitioner for awarding the same marks, namely, four marks for possessing the requisite certificates.

5. According to the petitioner, if the 2nd respondent has awarded four marks to the petitioner in the interview for the post of Junior Inspector of Sericulture, he would have secured 112.50 marks and ultimately, he would have been got selected for the post of Junior Inspector of Sericulture. But the 2nd respondent has refused to award any mark to the certificates possessed and produced before them, when a similar panel constituted for selecting the candidates for the posts of Assistant Engineer of Sericulture has awarded 4 marks, which shows that there is no consistency between these two panels.

6. Reiterating his stand, the learned Counsel appearing for the petitioner would contend that without any basis, the 2nd respondent ought not to have declared the petitioner's marks in the interview as 'CNG' (Certificate Not Genuine), while the same were accepted as genuine in the interview to the posts of Assistant Inspector of Sericulture. Since the petitioner has secured 108.50 marks in the written examination, had he been awarded four marks by the 2nd respondent in the interview, he would have got selected for the post of Junior Inspector and would have been placed above the private respondents 3 to 7. Therefore, he prays that a direction may be given to the respondents 1 and 2 to award 4 marks to the petitioner.

7. A detailed Counter Affidavit has been filed by the respondents 1 and 2, in which it is stated that there were two panels, one for selecting the candidates for the posts of Assistant Inspector of Sericulture and another for the posts of Junior Inspector of Sericulture and the petitioner was awarded 4 marks by one Panel constituted for selecting the candidates for the post of Assistant Inspector of Sericulture. Since a different Panel was constituted with various experts for selecting a superior candidate for the post of Assistant Inspector of Sericulture, while analysing the certificates produced by the petitioner, they found that those certificates are not genuine.

8. Moreover, it is seen that the private respondents referred to by the petitioner are included in the selection list as per the rules of reservation as mentioned below:

Sl. No.	Roll No.	Name of the Candidate	Community	Marks Obtained	As per Reservation	Experience Certificate from
1	1191	D.Jambu	MBC	92.50	Ex-Serviceman & studied in Tamil Medium	R.Ravi Sericulture Farmer
2	1826	S.Thangamani	MBC	83.50	Destitute Widow & studied in Tamil Medium	Kannan Silk Farm (Farmer)
3	3148	M.Gomathi	MBC	65.00	Destitute Widow & studied in Tamil Medium	Devaraja Silk Farm (Farmer)

9. It is further stated in the counter affidavit that the above 3 candidates had obtained valid experience certificates as detailed above in column 7, while the petitioner had obtained invalid experience certificate from Devi Chawkie Rearing Centre, Thoppakkadu against the instructions published in Notification No.1/2016 under Sl.No.3(b) of the 2nd respondent.

10. It is also the claim of the petitioners that one Thangamani and M.Gomathi who belong to MBC Community, secured 83.50 and 65.00 marks respectively in the written examination and they were selected by the 2nd respondent. However, though the petitioner has secured 108.50 marks in the written examination, he was not selected by the 2nd respondent.

11. Though a counter affidavit has been filed by the respondents 1 and 2, they have not even mentioned the cut off marks for MBC category candidates. Therefore, this Court, on 04.10.2017, directed the learned Additional Government Pleader to get instruction with regard to the cut-off marks fixed for MBC category.

12. Accordingly, when the matter is taken up today, learned Additional Government Pleader stated that the respondents have fixed 124.50 marks as cut-off marks for the MBC Category. Therefore, though the claim of the petitioner that the respondent ought to have awarded 4 marks in the interview conducted for the post of Junior Inspector of Sericulture appears to be correct, he cannot be considered for the said post in view of above said cut-marks of 124.50 fixed by the

respondent, for, even if it is awarded, he would get only 112.50 (108.50+4) marks. Likewise, the petitioner in W.P.No.11026 of 2016 also cannot be considered for the post of Junior Inspector of Sericulture, as he has secured only 96.25 marks in the written examination. Thus, it is clear that both the petitioners cannot come within the zone of consideration, as they have admittedly secured less than the cut-off marks fixed by the respondents for MBC Category.

13. Another contention of the petitioners that the private respondents, namely, D.Jabu, S.Thangamani, M.Gomathi, who have secured less marks than the petitioners, were arbitrarily appointed by the officials respondents also cannot be sustained, as they were all selected under the MBC priority category as cited supra.

14. In fine, for the reasons stated above, both the writ petitions fail and accordingly, they are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Handlooms, Handicraft, Textiles and
Khadi Department,
Fort St. George, Chennai - 9.

2.The Director,
Sericulture Department,
Salem - 626 007.

+2 ccs to M/s.C.P.Sivamohan Advocate sr 71981,71982

W.P.Nos.11025 and
11026 of 2016

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