

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2018

Coram

The Hon'ble Mr. Justice T.RAJA

W.P.No.32896 of 2017
and
W.M.P.No.36266 of 2017

G.A.Bushra Shabnam

Petitioner

Vs.

1.The Government of Tamil Nadu
rep. by its Secretary to Government,
Animal Husbandry and Fisheries
Department, Fort St. George,
Chennai - 9.

2.The Director of Fisheries,
DMS Campus, Teynampet,
Chennai - 6.

3.The Tamil Nadu Public Service
Commission rep. by its
Secretary, Greams Road,
Chennai.

Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 3 to implement their selection empanelment notified by the Tamil Nadu Public Service Commission dated 22.05.2017 proceedings in Procs.No.15958/L1/2017 dated 04.07.2017 and Proceedings No.15958/L1/017 dated 03.11.2017 of the Director of Fisheries de hors the candidates not choosing to join service by appointing the petitioner as per her seniority (Register No.4210126) from the reserve list dated 22.05.2017.

For Petitioner .. Mr.M.Joseph Thatheus Jerome

For Respondents .. Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader for R1 & R2
R3 - No appearance

ORDER

At the outset, it is relevant to mention the vital fact that while entertaining the writ petition in W.P.No.6481 of 2017, challenging the Notification No.42/12 dated 01.11.2012 issued by the Tamil Nadu Public Service Commission, this Court passed the following order:

"It is the claim of the petitioners that the third respondent had issued the notification dated 01.11.2012 bearing No.42/2012 calling for applications to fill up 11 vacancies in the post of Assistant Director of Fisheries, instead of calling for applications to fill up only 4 vacancies by direct recruitment. It is further stated that the total vacancies for promotion being 39, only 13 vacancies can be filled up by the direct recruitment, out of which 9 vacancies were already filled up with directly recruited Assistant Director of Fisheries in the Fisheries Department during the year 2007. Although 23 writ petitions were filed immediately after the said notification and the orders were obtained by the respective candidates, subsequently, one after another, they withdrew the writ petition, in view of the interim order passed in their favour. Hence the present writ petition is filed. Therefore, the respondents may be directed to maintain status quo.

2.Mr.T.M.Pappiah, learned Special Government Pleader takes notice on behalf of the respondent Nos.1 and 2. Issue notice to the third respondent returnable in two weeks.

3.The respondents are directed to keep four posts vacant till further orders.

Post the matter after four weeks."

2.In the meanwhile, the present writ petition in W.P.No.32896 of 2017 has been filed, seeking a direction to the respondents to implement their selection empanelment notified by the Tamil Nadu Public Service Commission dated 22.05.2017 proceedings in Procs.No.15958/L1/2017 dated 04.07.2017 and Proceedings No.15958/L1/017 dated 03.11.2017 of the Director of Fisheries de hors the candidates not choosing to join service by appointing the petitioner as per her seniority (Register No.4210126) from the reserve list dated 22.05.2017.

3.Learned counsel appearing for the petitioner submits that the petitioner, being a selected candidate, but shown in the reserve list as No.1 (No.4210126) viz, General Turn (General), has not been considered in view of the pendency of the writ petition, directing the respondents to keep four posts vacant.

Therefore, a direction be issued to operate the reserve list in the manner known to law. Learned counsel for the petitioner further submits that the Director of Fisheries, Chennai in his proceedings dated 04.07.2017 furnished the selection list containing the names of 11 candidates for the post of Assistant Director of Fisheries for 2000-2001 to 2006-2007. Among these 11 candidates, only four have joined and others failed to join, as a result, seven vacancies are left unfilled. In the meanwhile, validity of the reserve list is also going to expire. Therefore, a direction be issued by disposing of the writ petition.

4.Learned Special Government Pleader appearing for respondents 1 and 2 would submit that since the Tamil Nadu Public Service Commission has released reserve list stating that candidates in the reserve list will be considered for allotment from the respective categories against the vacancies caused due to any of the following reasons:

- (i)Non-joining duty of selected candidates
- (ii)Selected candidates who joined duty but left thereafter
- (iii)Cancellation of provisional selection of the selected candidates for any reason.

5.Learned Special Government Pleader further submits that the writ petition may be disposed of so as to enable the respondents to operate the reserve list, which is valid till the drawal of next selection list for this post.

6.As rightly submitted by the learned counsel for the petitioner, out of 11 candidates shown in the proceedings dated 04.07.2017 issued by the Director of Fisheries, only four candidates joined and rest of the candidates failed to join within the time. Therefore, it is for the respondents to operate the reserve list in the manner known to law.

7.With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

1.The Secretary to Government,
Animal Husbandry and Fisheries
Department, Fort St. George,
Chennai - 9.

2.The Director of Fisheries,
DMS Campus, Teynampet,
Chennai - 6.

3.The Secretary,
Tamil Nadu Public Service
Commission,
Greens Road, Chennai.

+ 1 cc to Mr.M.Joseph Thatheus Jerome Advocate,SR.9358

+ 1 cc to M/s.M.Loganathan Advocate,SR.9688

W.P.No.32896 of 2017

nr 12/02/2018



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