



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.8840 of 2011

P.S.Palmurugan

... Petitioner

-vs-

1.State of Tamil Nadu,
Rep. By its Secretary,
Department of Agriculture,
Fort St. George, Chennai-09.

2.The Director of Agriculture,
O/o.Director of Agriculture,
Chepauk, Chennai-5.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondent No.2 to consider the petitioner's Candidature for appointment to the post of Assistant Agriculture Officer under the sub caste reservation provided vide G.O.Ms.No.50 dated 29.04.2009.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.M.Muthu, Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to consider the petitioner's Candidature for appointment to the post of Assistant Agriculture Officer under the sub caste reservation provided vide G.O.Ms.No.50, dated 29.04.2009.

2.It is needless to state that the appointing authority is bound to follow the recruitment Rules in force including the Rules of reservation. The Rules relating to reservation are issued by way of Government Orders and in the Rules. Those Rules are to be followed scrupulously by the authorities competent, while undertaking the process of selection for recruitment to the post of Assistant Agriculture Officer. The post of Assistant Agriculture Officer is coming under the Administrative control of the Commissioner of Agriculture and the writ petitioner has to participate in the process of selection for appointment to the post of Assistant Agriculture Officer. Merely by filing of the writ petition, the writ petitioner cannot seek direction that his case



should be considered for appointment to the post of Assistant Agriculture Officer.

3.The grievances of the writ petitioner is that the reservation exclusively allotted to the Arunthathiyar community has not been followed by the respondent. However, whenever the process of selection was undertaken, it is for the authority to follow the Rules of reservation as applicable.

4.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner has submitted a representation on 22.07.2011 complaining that the reservation has not been followed.

5.The grievance of the writ petitioner is that no reply has been given for the representation. Therefore, he is having an apprehension that the reservation is followed or not. In order to clarify the position in respect of the implementation of Rules of Reservation, this Court is of an opinion that the respondents ought to have furnished the reply to the writ petitioner. In this regard, the second respondent is directed to consider the representation submitted by the writ petitioner on 22.07.2011 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation, documents relating to his participation in the selection and other Government Orders along with the order passed in this Writ Petition. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary, Department of Agriculture,
Fort St. George, Chennai-09.

2.The Director of Agriculture,
O/o.Director of Agriculture,
Chepauk, Chennai-5.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 46042

+1CC to the Special Government Pleader SR.No.46541

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