

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2236 and 2237 of 2018
and W.M.P.Nos.2732 and 2733 of 2018

K.Ayyakkannu .. Petitioner in W.P.No. 2236 of 2018

Bharath Babu Bharathan.P ... Petitioner in W.P.No. 2237 of 2018

Vs.

1. Government of Tamil Nadu
represented by Secretary to Government
Agriculture Department and
Agricultural Production Commissioner
Agriculture Department
Secretariat, Chennai - 600 009.
2. The Chief Engineer
Agricultural Engineering Department
Chennai - 600 035
3. The Secretary
Tamil Nadu Public Service Commission
Chennai - 600003. .. Respondents

PRAYER in both W.Ps: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents herein to pass appropriate orders to first fillup the backlog vacancies in the post of Assistant Engineer (Agricultural Engineering) in the Agricultural Engineering Department by the petitioner and other eligible and willing candidates on whose behalf Writ Appeal No.499 of 2011 was preferred by the Tamil Nadu Dr.Ambedkar Agricultural Engineers Association and was allowed by judgment dated 22.08.2013 by the Division Bench of this Hon'ble Court and thereafter to continue the selection process for the remaining backlog vacancies in the said post, in pursuance of notification No.16/2017 dated 05.07.2017.

For Petitioner
in both W.Ps. : Mr.M.Ravi

For Respondents
in both W.Ps : Mrs.P.Rajalakshmi
Additional Government Pleader.

C O M M O N O R D E R

The relief sought for in the present writ petition is to direct the respondents to pass appropriate orders to first fill up the backlog vacancies in the post of Assistant Engineer (Agricultural Engineering) in the Agricultural Engineering Department by the writ petitioners and other eligible and willing candidates on whose behalf, Writ Appeal No.499 of 2011 was preferred by the Tamilnadu Dr.Ambedkar Agricultural Engineers Association and was allowed by judgment dated 22.08.2013 by this Court and to continue the selection process for the remaining backlog vacancies in the said post, in pursuance of notification No.16/2017 dated 05.07.2017.

2. With reference to the prayer set out in the present writ petition, the learned Additional Government Pleader made a submission that the process to fill up the backlog vacancies has already been commenced with reference to the order of the Hon'ble Division Bench dated 22.08.2013 in W.A.No.499 of 2011. In this regard, the Chief Engineer (Agricultural Engineering), Agricultural Department, Nandanam, Chennai has filed a counter affidavit which reads as under:

"11. However, in order to address their issues, the second respondent has called for the particulars from the individuals and sent a proposal to Government vide letter dated 03.01.2014 whether these persons may be considered for appointment to the 21 backlog vacancies. The Government after a thorough deliberation and also based on the orders of the Hon'ble Court dated 22.08.2013 in W.A.No. 499 of 2011 has rejected the proposal vide G.O. (2D) No. 86, Agriculture (AA3) Department, dated 01.9.2016 and instructed the Chief Engineer (Agricultural Engineering) to fill up the 21 backlog vacancies through the Tamil Nadu Public Service Commission as per rules. This G.O. Was communicated to the petitioner association. Hence, the present Notification for direct recruitment to the post of Assistant Engineer for 21 backlog vacancies has been

issued through the Tamil Nadu Public Service Commission. Therefore the act of the respondents are proper and not violative in any manner.

12. I submit that it is very well open to the petitioners to apply for the examinations for selection to the post of Assistant Engineer. Since the entire selection is only meant for the SC/ST candidates and there is no other categories to compete with them and also the said 21 backlog vacancies are also correct and settled at the Hon'ble Court, then the very basis of requesting favourable orders is not at all tenable.

13. It is also pertinent to submit that the representations of the petitioners dated 28.11.2017 and 28.11.2017 respectively have already been rejected by the Chief Engineer (Agricultural Engineering) in a detailed letter in EE.2/51153/2013-1, dated 18.01.2018.

14. It is pertinent to note that based on the orders of the Hon'ble Court dated 22.08.2013 in W.A.No.499 of 2011 and the grounds stated previously, it is made clear that the recruitment should be made only by the Tamil Nadu Public Service Commission by following the recruitment procedures in vogue. It is also clear that the said orders of the Hon'ble court has not stated to provide appointment only to the petitioner association. The orders of the Hon'ble Court is very clear and states that the recruitment should be made through Tamil Nadu Public Service Commission as and when the need arises. They may also be one among the 21 candidates if they prepares thoroughly for the examinations. If the recruitment is through Tamil Nadu Public Service Commission, then it will be in accordance to the recruitment is through Tamil Nadu Public Service Commission, then it will be in accordance to the recruitment procedures laid down. It can't be violated in any manner since it has a constitutional mandate. I submit that the very prayer of the writ petition is requesting recruitment to the petitioners and other eligible and willing candidates first and thereafter to continue the selection process for the remaining backlog vacancies in the said post in pursuance to the notification no. 16/2017 dated 05.07.2017. How it is possible. Hence requesting recruitment to them first is not at all proper."

3. In view of the above statement made by the learned Additional Government Pleader based on the counter affidavit, this Court is of an opinion that no further adjudication needs to be undertaken in respect of the relief sought for in the present writ petition and it is for the writ petitioners to participate in the selection process, if they are otherwise qualified in accordance with law.

4. Accordingly, this writ petitions stand disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

msv

To

1. The Secretary to Government
Government of Tamil Nadu
Agriculture Department and
Agricultural Production Commissioner
Agriculture Department
Secretariat, Chennai - 600 009.
2. The Chief Engineer
Agricultural Engineering Department
Chennai - 600 035
3. The Secretary
Tamil Nadu Public Service Commission
Chennai - 600 003.

+1cc to Mr.M.Ravi, Advocate SR.No.10613

+1cc to Government Pleader SR.No.10822

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SSV(CO)
GMY(06/03/2019)