

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27558 of 2019

and

W.M.P.No.27043 of 2019

- 1.S.Ranjithkumar
- 2.E.Arasa Kumar
- 3.K.Thanga Roja
- 4.M.Saratha
- 5.S.Pynthamizhan
- 6.G.Anusuya
- 7.T.Bhuvaneshwari
- 8.N.Alexander
- 9.R.Kaviyarasu
- 10.V.Gokulkrishnan

... Petitioners

Vs.

- 1.The State of Tamilnadu,
Rep.by its Principal Secretary to Government,
Handlooms, Handicrafts Textiles & Khadi Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Secretary to Government,
Department of Personnel and Administration Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 3.The Commissioner,
Agricultural Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 4.The Director,
Department of Sericulture,
Nethaji Nagar,
Hasthampatty, Salem - 9.
- 5.The Vice Chancellor,
Tamilnadu Agricultural University,
Coimbatore,
Pin - 641 003.

6.The Registrar,
Tamilnadu Agricultural University,
Coimbatore,
Pin - 641 003.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioners dated 08.01.2018 for considering B.Sc., and M.Sc., Sericulture as Special/Preferential qualification for the recruitment and promotion in the Department of Sericulture for various posts and services under Sericulture Department.

For Petitioner : Mr.K.Balu

For Respondents : Mrs.M.Laitha
Government Advocate

O R D E R

Mrs.M.Lalitha, learned Government Advocate, accepts notice on behalf of the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioners are graduates in B.Sc., and M.Sc., Sericulture from the Tamilnadu Agricultural University. The petitioners and other Sericulture students of Tamilnadu Agricultural University, Coimbatore have jointly formed an Association namely Sericulture Graduates and Students Welfare Association on 20.02.2017 having its State Central Office at Ratina Sabapathypuram, Coimbatore. There are nearly 120 Graduates in B.Sc Sericulture in the association. While so, in the year 2017, 13 posts for the post of Assistant Inspector of Sericulture was called for and those appointments were made without any authenticated rules and notifications. The above said appointments were made by direct recruitments and those posts were filled up by publication in department website as well as newspapers. No Government notifications were issued to fill up any vacancies in Sericulture Department either on the basis of direct recruitment or on the basis of promotion. According to the petitioners, though, the petitioners are fully eligible for the post of Inspector of Sericulture and Assistant Director of Sericulture in the respondent department, the persons who were currently employed in the post of Inspector of Sericulture and Assistant Director of Sericulture are graduates of Botany, Zoology and Chemistry. The petitioners main grievance is that those who are qualified as B.Sc.,(Sericulture) or M.Sc.,(Sericulture) alone are eligible for appointment to the

post of Inspector of Sericulture and Assistant Director of Sericulture respectively. Therefore, the petitioner's Association have sent representations dated 08.01.2018 and 30.05.2019. Since the representations were not considered till date, the petitioners have filed the present petition.

3.The learned counsel for the petitioners submitted that on par with the Tamilnadu Agriculture/Horticulture Service rules and regulations, the Government may make appointment to the post of Assistant Director of Sericulture through direct recruitment with eligible qualification for the post of Assistant Director of Sericulture as B.Sc., and M.Sc., in Sericulture offered by institute recognized under University Grants Commission or by promotion from the post of Inspector of Sericulture or Assistant Inspector of Sericulture with a continuous service of not less than 3 years possessing a B.Sc., degree in Sericulture offered by institutes recognized under University Grants Commission. However, he further submitted that though the specialized course was included in the notification in G.O.(Ms.)No.170 Handlooms, Handicrafts, Textiles and Khadi (G1) Department, dated 10.07.2017, no preference was given to such specialized course.

4.Heard both sides.

5.On perusal of the records, it is seen that Special Rules were framed for the Tamil Nadu Horticultural Service in G.O. (Ms.).No.271 Agriculture (AAI) Department dated 27.11.2015, in which certain special posts were created viz., Joint Director of Horticulture, Assistant Director of Horticulture and Horticultural Officer. In the said G.O., in Clause 11, for the post of Assistant Director of Horticulture and Horticultural Officer, it has been mentioned that the candidate must possess a Degree in the specialized course (Horticulture). Likewise, in the Tamilnadu Public Service Commission notification dated 04.07.2018, the educational qualification for the post of Forest Apprentice has been fixed as B.Sc., (Forestry). Similarly, in agricultural department, similar notification had been issued dated 03.05.2018 notifying the educational qualification as B.Sc., Agriculture for the post of Agricultural Officer. However, in G.O.(Ms.) No.170 Handlooms, Handicrafts,Textiles and Khadi (G1) Department, dated 10.07.2017, certain amendments were made, which is extracted hereunder:

In the said Rules, in the Annexure referred to in rule 6, in the Table, under the heading Class VII:-

(1) Under the method "By direct recruitment or by recruitment by transfer" in column (2), against the entry "2.Assistant Inspector of Sericulture" in column(1), for the entries in item (i), the

following entries shall be substituted, namely:-

"B.Sc., Degree in Botany or Zoology or Chemistry or Sericulture or M.Sc., Sericulture."

(2) for the entry "By Direct Recruitment or recruitment by transfer" in column (2), against the entry "2.Assistant Inspector of Sericulture" in column (1), the following entry shall be substituted, namely:-

"b) By direct recruitments"

(3) Under the method "b) By direct recruitment" as so amended and the entries thereunder in column (2), against the entry "2.Assistant Inspector of Sericulture" in column (1), the following entries shall be substituted, namely:-

"B.Sc., Degree in Sericulture from any University recognized by the University Grants Commission."

As per the above said amendment, the educational qualification for the post of Assistant Inspector of Sericulture, any candidate must possess a B.Sc., Degree in Botany or Zoology or Chemistry or Sericulture or M.sc., Sericulture. Aggrieved by the said amendment, the petitioner filed the present petition.

6. According to the petitioner, though, the specialized course of Sericulture is mentioned in the G.O., no preference was given to the Sericulture Degree in the subsequent amendment and no candidates, who completed Degree in the specialized course of Sericulture were considered for the post of Inspector of Sericulture and Assistant Director of Sericulture. It is for the government to take policy decision in the recruitment process, claiming exclusive rights are not permissible. Therefore, this Court is not inclined to issue any direction to the respondents to consider the B.Sc., and M.Sc., degree as special/preferential qualification for the recruitment and promotion process in the Department of Sericulture. Accordingly, this writ petition stands dismissed. No costs. Connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CJ Conf)

//True copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
The State of Tamilnadu,
Handlooms, Handicrafts Textiles & Khadi Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Secretary to Government,
Department of Personnel and Administration Department,
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 - 6.The Registrar,
Tamilnadu Agricultural University,
Coimbatore, Pin - 641 003.
- +1cc to Mr.K.Balu, Advocate SR.No.80427
- +1cc to Government Pleader SR.No.80699

W.P.No.27558 of 2019
and
W.M.P.No.27043 of 2019

VG II(CO)
GMY (25/10/2019)

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