

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.29137 of 2019 and

W.M.P. Nos. 28926 & 28929 of 2019

B.Surya

... Petitioner

Vs.

1. The Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai-9.
2. The Secretary to Government,
Tamil Nadu Public Service Commission,
V.O.C. Nagar, Park Town,
Chennai-3.
3. The Director of Agriculture,
Cheupak, Chennai-5. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to appoint the petitioner as Agriculture Officer (Extension), 2015-2016, 2016-2017, 2017-2018, and 2018-2019, bearing Registration No.250004104 in the MBC(W) category, on the basis of reserve list published by the 2nd respondent dated 01.02.2019.

For Petitioner : Mr. S.N. Ravichandran
For R1 and R3 : M/s.R.Janaki
Additional Government Pleader
For R2 : M/s.M.Loganathan
Standing Counsel (TNPSC)

ORDER

The Petitioner has filed this writ petition, seeking for issuance of a Writ of Mandamus, to direct the 2nd and 3rd respondents to appoint the petitioner as Agriculture Officer (Extension), 2015-2016, 2016-2017, 2017-2018, and 2018-2019, bearing Registration No.250004104 in the MBC(W) category, on the basis of reserve list published by the 2nd respondent dated 01.02.2019.

2. The case of the Petitioner is that the Second Respondent issued Notification No. 09/2018, dated 03.05.2018 and Notification No. 09A/2018, dated 23.05.2018, inviting applications for 323 the post of Agriculture Officer (Extension). The Petitioner applied for the said post under MBC(W) category and participated in the Written Examination. Petitioner emerged successful in Written Examination and she was called for oral interview on 07.01.2019.

3. The Second Respondent published the result of Written Examination and Oral Interview on 08.01.2019. Petitioner had secured 293.50 marks in the Written Examination and 47.25 marks in the Oral Test. Petitioner name was figured in S.No. 2 in the Reserve List of MBC (W) category. While so, one Prabhakaran, who get selected in MBC (G) category did not join the post. Hence, his appointment was cancelled by the Third Respondent. Since, both men and women can compete in MBC (G) category, the Second Respondent ought to have brought in Ms.Yuvarani, who secured the next highest cut-off mark ie., 349.25 in the MBC (G) category.

4. According to the Petitioner, contrarily the Second Respondent has recommended one Kabilan bearing Registration No. 190002183, who secured 348.75 cut-off Mark placed as S.No.1. Subsequently, Ms. Yuvarani also did not join the post and her appointment was cancelled by the Third Respondent. At present there are two vacancies. The Second Respondent will only have to fill the said vacancies as per the cut-off marks. Contrarily, the Second Respondent is acting on the reserve list which is not in accordance with cut-off mark.

5. According to the Petitioner, if the Second Respondent fills two vacancies, the Petitioner comes within the zone of consideration and will be entitled appointment. However, for extraneous reasons, the Second Respondent is attempting to appoint Kabilan who secured less marks than the Petitioner in the MBC (G) category.

Hence, in this regard, the Petitioner made representation dated 31.07.2019 and however, till date the same is not considered by the Second and Third Respondent. Hence, the Petitioner has come forward with the present writ petition.

6. The learned counsel for the Petitioner would submit that since the selected incumbents have not joined the post, at present there are two vacancies are available and if the Second Respondent resorts to fill up these vacancies based on the cut off marks obtained by the Petitioner, he would certainly come with the zone of consideration for appointment since he secured more marks than one Kabilan. Therefore the learned counsel would implore this Court that it would suffice that if this Court directs the Respondents to consider the claim of the Petitioner as made by him in his representation dated 31.07.2019 and dispose of the same.

7. Considering the facts and circumstances and the submissions made by the learned counsel for the Petitioner since it is contended that the selected incumbents have not joined the post, the Petitioner who secured more marks than one Kabilan, the petitioner is eligible for being selected and appointed, this Court without going into the merits of the claim of the Petitioner, directs the Second and Third Respondents to consider the representation of the Petitioner dated 31.07.2019 and pass appropriate orders in accordance with law and on merits and in the light of the marks obtained by the Petitioner, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai-9.
2. The Secretary to Government,
Tamil Nadu Public Service Commission,
V.O.C. Nagar, Park Town,
Chennai-3.
3. The Director of Agriculture,
Cheupak, Chennai-5.

+1cc to Mr.S.N.Ravichandran , Advocate SR.No. 93110

+1cc to Mr.M.Loaganathan , Advocate SR.No. 92753

+1 cc to Government Pleader Sr.No. 93081

W.P. No.29137 of 2019
and

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A.SK(27/12/2019)



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