



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.1380 of 2013

and

M.P. [MD]No.1 of 2013

WEB COPY

K.Kannamani

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Agriculture
Production Commissioner,
Secretary to Government,
Fort St. George,
Secretariat,
Chennai - 9.

2.The Commissioner of Agriculture,
O/o. Commissioner of Agriculture,
Chepauk,
Chennai - 600 005.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to fill up the available post of Assistant Director of Agriculture from the panel issued by the first respondent dated 27.01.2012.

For Petitioner : Mr.S.Sethuraman
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents herein to fill up the available post of Assistant Director of Agriculture from the panel issued by the first respondent dated 27.01.2012.

2.The validity of the panel is one year as per the Rules in force. The panel can be acted upon for a period of one year. Admittedly, the panel issued by the first respondent was on 27.01.2012 and the said panel lapsed during the year 2013. This apart, a direction as such sought for to fill up the post cannot be granted. Filling up of the post is an administrative prerogative of the Government. Only at the time of filling up of



the post, the writ petitioner's case is to be considered along with all other candidates. It is an administrative decision to be taken by the competent authority. The writ petitioner being an employee cannot seek a direction to fill up the posts. It is also a policy decision. Thus, the case of the writ petitioner is to be considered whenever a decision is taken to fill up the post and at the time of filling up of the posts, the respondents are directed to consider the case of the writ petitioner in accordance with the promotional rules in force.

3. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government and
Agriculture Production Commissioner,
State of Tamil Nadu,
Fort St. George,
Secretariat,
Chennai - 9.

2. The Commissioner of Agriculture,
O/o. Commissioner of Agriculture,
Chepauk,
Chennai - 600 005.

+1 CC to M/s.S.SETHURAMAN, Advocate(SR-79431[F] dated
02/08/2019)

+1 CC to M/s.SPL GP (SR-79788[F] dated 05/08/2019)

MR

W.P[MD]No.1380 of 2013

02.08.2019

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