



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 5462 of 2015

and

M.P. (MD) Nos. 1 and 2 of 2015

A.Balakrishnan

... Petitioner

-Vs-

1. State of Tamil Nadu,
Represented by its Secretary,
Department of Agriculture,
Fort St. George, Chennai-09.
2. The Director of Agriculture,
O/o. The Director of Agriculture,
Chepauk, Chennai-5.
3. The Secretary,
Tamil Nadu Public Service Commission,
Frazar Bridge Road, VOC Nagar, Park Town,
Chennai-600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned Notification No.01/2015 (Advertisement No.405) dated 30.01.2015 on the file of the respondent No.3 and quash the same as illegal to the extent of not providing any weightage for the employment registration seniority in the recruitment to the post of Assistant Agriculture Officer and consequently, to direct the respondents to provide sufficient percentage of weightage marks for the employment registration seniority in the instant recruitment to the post of Assistant Agriculture Officers.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 and R2	: Mr.M.Jeyakumar Additional Government Pleader.
For R3	: Mr.K.K.Senthil

ORDER

The grievance of the writ petitioner is that weightage marks are to be granted for employment registration seniority.

2. Employment seniority is maintained for the purpose of sponsoring the candidates and the weightage marks in respect of the seniority may not have much relevance in respect of the merits of the selection, more specifically, with reference to the cadre, for which, the selection is conducted.



3. In the present Writ Petition, selection notification to the post of Assistant Agriculture Officer is under challenge. Very notification issued in Notification No.01/15 (Advertisement No.405) dated 30.01.2015 is under challenge. Pursuant to the notification, process of selection was concluded and selected persons were appointed and now, serving in the post of Assistant Agriculture Officer for the past about 5 years. This apart, the ground raised for providing weightage marks to the employment registration seniority, cannot be granted by this Court. Such criteria are to be fixed by the competent authorities concerned. The Court cannot fix eligibility criteria or educational qualification or age limit, as far as the process of selection is concerned. It is the prerogative employer to fix conditions and terms for recruitment for a particular post.

4. This being the legal principles to be adopted, very relief sought for in the present Writ Petition at this length of time, cannot be considered at all. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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

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

+1 CC to Mr.K.K.SENTHIL, Advocate (SR-70792[F] dated 24/06/2019)
+1 CC to SPL GP (SR-70924[F] dated 24/06/2019)
+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-70893[F] dated 24/06/2019)

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