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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD)No.257, 259, 260, 261 of 2011

and 10927 of 2010

&

M.P. (MD)Nos.1 & 2 of 2011 & 1 of 2010

W.P. (MD)No.257 of 2011

V.Viswanathan,

... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by its Secretary,
Department of Agriculture,
Secretariat, Chennai.

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

3.R. Nagarajan
(R3 Impleaded Vide Order dated 29.10.2011 in
M.P. (MD)No.3/2011)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent No.2 to appoint the petitioner in the post of Assistant Agricultural Officer with consequential benefits from the date of recruitment of the batch mates of the petitioner.

W.P. (MD)No. 259 of 2011

N.Krishnamoorthy,

... Petitioner

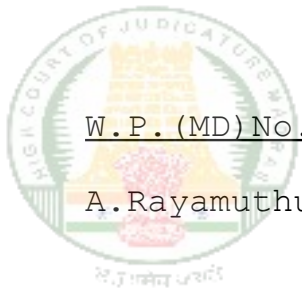
- Vs. -

1.State of Tamil Nadu,
Rep. by its Secretary,
Department of Agriculture,
Secretariat,
Chennai.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent No.2 to appoint the petitioner in the post of Assistant Agricultural Officer with consequential benefits from the date of recruitment of the batch mates of the petitioner.



W.P. (MD) No. 260 of 2011

A.Rayamuthu,

... Petitioner

- Vs. -

1.State of Tamil Nadu,
Rep. by its Secretary,
Department of Agriculture,
Secretariat, Chennai.

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

3.R.Nagarajan,
(R3 Impleaded Vide Order dated 29.10.2011 in
M.P. (MD) No.3/2011) ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent No.2 to appoint the petitioner in the post of Assistant Agricultural Officer with consequential benefits from the date of recruitment of the batch mates of the petitioner.

W.P. (MD) No. 261 of 2011

D.Ramasundaram,

... Petitioner

- Vs. -

1.State of Tamil Nadu,
Rep. by its Secretary,
Department of Agriculture,
Secretariat,
Chennai.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent No.2 to appoint the petitioner in the post of Assistant Agricultural Officer with consequential benefits from the date of recruitment of the batch mates of the petitioner.

W.P. (MD) No. 10927 of 2010

1.State Agriculture and
Horticulture Diploma Holders
Association (Un Employed Wing)
No.494-Nagaveni Nagar,
Registration No.72/2008,
Balakrishnapuram Post,



Dindigul - 624005.

Through its Secretary, V. Balakrishnan

... Petitioner

- Vs. -

1.State of Tamil Nadu,
Represented by its Secretary,
Department of Agriculture,
Fort St. George, Chennai.

2.State of Tamil Nadu,
Represented by its Director of Agriculture,
Department of Agriculture,
Chepauk, Chennai - 5.

3.The State Chief Information Commissioner,
Tamil Nadu Information Commission,
Kamadhenu Super Market I Floor,
Old No.273, New No.378,
Anna Salai, Teynampet, Chennai - 18.

4.The Public Information Officer (Appellate Authority)/
Deputy Secretary, Secretariat,
Department of Agriculture,
Fort St. George, Chennai.

5.The Public Information Officer (Appellate Authority)/
Additional Director of Agriculture (Personnel and Training),
Directorate of Agriculture,
Department of Agriculture,
Chepauk, Chennai-5.

6.The Public Information Officer /
Assistant Director of Agriculture,
Directorate of Agriculture,
Department of Agriculture,
Chepauk, Chennai - 5.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent No.6 to give effect to the specific directions dated 16.09.2009 and 29.04.2010 on the file of the Respondent No.3 and consequently to provide the copies of Interview Call Letter, SSLC Mark Sheet, +2 Mark Sheet, Transfer Certificate, Provisional Certificate of Diploma in Agri / Horti, Course Certificate of Diploma in Agri / Horti, Complete Mark Statements (Mark Sheets) for all semesters of Diploma in Agri / Horti, Community Certificate, Conduct Certificate, Experience Certificates if any, Additional Qualification Certificates and appropriate certificates for priority candidates with regard to 4004 candidates who participated in the recruitment process to the post of Assistant Agricultural Officers in the month of January 2009.



(In all W.Ps)

For Petitioner : Mr.T.Lajapathi Roy

For R1 & R2 : Mr.S.Dhayalan
Government Advocate

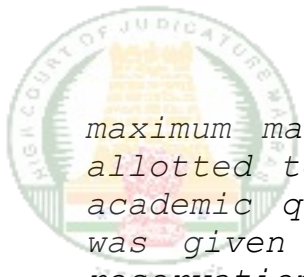
For R3 : Mr.K.K.Senthil

COMMON ORDER

The relief sought for in the writ petitions, is to direct the respondents to appoint the writ petitioner for the post of Agricultural officer with consequential benefits.

2.The learned counsel for the petitioners state that the writ petitioners belong to backward class and completed Diploma in Agriculture. The writ petitioners registered their names in the District Employment Exchange and was waiting for employment. The writ petitioners pursuant to the directions of this Court in W.P. (MD)No.8297 of 2008 was called for an interview for appointment to the post of Assistant Agricultural officer on 28.06.2010 and 29.06.2010. However the writ petitioners were not appointed. It is contended that 1707 vacancies notified in the year 2009 only 1595 vacancies were filled and 112 vacancies were reserved as per the directions of the Court and subsequently to the interview held in the year 2010 and 64 persons. Though the data are provided by the writ petitioners in the affidavit filed in support of the writ petition, the learned counsel for the respondent says that the writ petitioner was not within the zone of consideration and therefore he was not selected.

3.The second respondent filed a counter affidavit stating that "the G.O. provided the Commissioner of Agriculture to take action to fill up the post of Assistant Agricultural Officer numbering 1707. Accordingly, statewide eligibility and qualification candidates and their details were called for from the Directorate of Employment and Training. The Employment and Training Department sponsored 4004 eligible candidates in the ratio of 1:3. Subsequently, 313 candidates names were deleted due to overage and lack of minimum required qualifications. The remaining 3691 candidates were invited for interview vide Lr.No.FSE 1/167253/2008, dated 16.12.2008. The said interview was conducted from 12.01.2009 to 04.02.2009. It was not a single person who had conducted the entire interview but, it was a team comprised of six members and they were divided in to two committees. The said interview was conducted at the office of Joint Directors of Agriculture, Kanchipuram, Tiruvannamalai, Salem, Coimbatore, Tirunelveli, Madurai, Thanjavur, Dharmapuri, Krishnagiri and in the O/o the Director of Agriculture, Chennai-05. It is further submitted that for the said interview

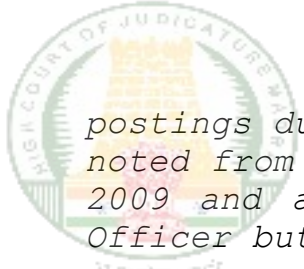


maximum marks fixed as 50. Out of total 50 marks 25 marks was allotted to technical caliber nothing but interview, 10 marks for academic qualification (diploma marks) and the remaining 15 marks was given to the seniority of the Employment Exchange, Rule of reservation and communal rotation was also strictly complied with in the said recruitment. Based on the marks obtained in the above said interview process and as per the communal rotation and reservation, 1707 candidates were selected. But due to interim order in WP(MD) No.8297 of 2008 and pendency of writ petition WP(MD)No.1030 of 2009, only 1595 candidates were issued posting orders in the first instance and 112 posts were kept vacant. Subsequently the 112 of posts were filled up and the details of 112 posts filled are as follows:

1. The candidates already attended interview during 12.1.09 to 4.2.09 and already selected and not issued posting orders due to mere pendency of the writ petition (MD)No.1030 of 2009 -11
2. The candidates already attended interview during 12.01.2009 to 04.02.2009 and already selected but not issued posting orders due to mere pendency of the writ petition No.773 of 2010 -01
3. The candidates already attended interview during 12.1.09 to 4.2.09 and subsequently selected but not issued posting order due to the Court order to keep 112 AAO post unfilled -74
4. The candidates from the C.Subramaniam Institute attended interview during 12.1.09 to 4.2.09 and subsequently selected after the clarification issued in G.O.Ms.No.120 Agriculture (AU) Department dated 11.07.2009. -11
5. The candidates attended interview during (2010) 28.06.2010 & 29.06.10 as per the Court order in W.P.MD.No.8297 of 2008 and WA No.981 of 2009 with regard to eligibility in respect of over aged candidates -15

112

In this connection it is submitted that out of 1707 vacancies to be filled up, 1595 candidates selected were already given



postings during 2009, for the remaining 112 vacancies, 97 candidates noted from Serial No.1 to 4 above, who had attended interview during 2009 and already selected for the post of Assistant Agricultural Officer but appointment orders not issued due to the above mentioned reasons. The appointment orders were given after receipt of Court orders and clarifications, during 2010. Thereafter, only 15 vacancies (1707-1595+97) were available for which interview was conducted for 65 candidates, as directed by the Hon'ble High Court in WP No.8297 of 2008 as stated vide Serial No.5 above.

During the above interview on 28.06.2010 and 29.06.2010 15 candidates were selected for the post of Assistant Agricultural Officer and their details are furnished as follows:

Sl.No.	Name	Community	Mark Scored
1	Ramanarayanan B.	BCO	38
2	Jayaraman M.	MBC	37
3	Venkatachalam.P	BCO	36
4	Eswaran.T	BCO	36
5.	Muruganandham.G	BCO	36
6	Saravanakumar.M	BCO	36
7.	Dhandapani.P	MBC	36
8	Chandran M.V	MBC	35
9	Udayasurian.S	MBC	35
10	Muthusamy.M	MBC	35
11	Ashok Kumar.K	BCO	35
12	Sikkandar Ameen.A	BCM	29
13	Kaleel A	BCM	29
14	Shanthi.S	MBC	27
15	Sheik Ameer.J	BCM	27

From the above details it may be seen that the last candidate selected against BCO category has scored 35 marks, whereas the petitioner has scored 34 marks only. Therefore, the petitioner was not selected for the post of Assistant Agricultural Officer.

4.The counter filed by the second respondent categorically enumerates that the writ petitioners had secured below 35 marks and the last candidate selected against BCO category had secured 35 marks. Thus, the writ petitioners were not within the zone of consideration. When the writ petitioners were not within the zone of consideration and the process of selection was conducted in accordance with the procedures contemplated, this Court is not inclined to consider the relief sought for in the present writ petition as there was no infirmity in the process of selection. These writ petitions are devoid of merits and accordingly, these



writ petition are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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// True Copy //

Sub Assistant Registrar (CS)

To

1.The Secretary

Department of Agriculture,
Fort St. George, Chennai.

2.The Director of Agriculture,

Department of Agriculture,
Chepauk, Chennai - 5.

3.The State Chief Information Commissioner,

Tamil Nadu Information Commission,
Kamadhenu Super Market I Floor,
Old No.273, New No.378,
Anna Salai, Teynampet, Chennai - 18.

4.The Public Information Officer (Appellate Authority)/

Deputy Secretary, Secretariat,
Department of Agriculture,
Fort St. George, Chennai.

5.The Public Information Officer (Appellate Authority)/

Additional Director of Agriculture (Personnel and Training),
Directorate of Agriculture,
Department of Agriculture,
Chepauk, Chennai-5.

6.The Public Information Officer /

Assistant Director of Agriculture,
Directorate of Agriculture,
Department of Agriculture,
Chepauk, Chennai - 5.

+5 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-69331[F] dated
18/06/2019)

+1cc to Mr.K.K.SENTHIL, Advocate, SR.No.69328

W.P. (MD) No.257, 259, 260, 261 of 2011
and 10927 of 2010

&
M.P. (MD) Nos.1 & 2 of 2011 & 1 of 2010

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