

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.947 of 2020

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

.. Appellants/Petitioner

-vs-

1. The State of Tamilnadu,
Rep. by its Principal Secretary to Govt.,
Handlooms, Handicrafts Textiles
& Khadi Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The Secretary to Government,
Department of Personnel and Administration,
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/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 18.09.2019 passed in W.P.No.27558 of 2019 on the file of this Court.

W.P.No.27558 of 2019:

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 Appellants : Ms.R.Divya

JUDGMENT
(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellants.

2.It is urged that the appellants want that the appointments which are proposed in the Department of Sericulture should be done with preferences to those who are possessed of special qualifications in Sericulture itself. It is, therefore, the submission that the general qualifications prescribed should be preceded in matters of appointment by giving preference to those who are possessed of the special qualifications of Sericulture, like the appellants, as is being done in the case of Forestry Apprentices in the Forest Department and other posts in the Agriculture Department.

3.Giving of a preference is the prerogative of the employer inasmuch as a preference is given when all other things are equal. This, therefore, is within the discretion of the authority concerned and not for the Court to prescribe a preference to be followed in matters of public employment. Learned counsel for the appellants submits that the learned single Judge ought not to have dismissed the writ petition and a direction could have been issued for consideration of such preference.

4.The dismissal of the writ petition will not denude the State Government from considering any such preference being given and therefore, any observation made by the learned single Judge has no legal impediment in the consideration of such

preference, which will be open for the State Government to consider in accordance with law.

We dispose of the appeal with the aforesaid observation. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sra
To

- 1.The Principal Secretary to Govt. of Tamilnadu,
Handlooms, Handicrafts Textiles
& Khadi Department, Secretariat,
Fort St. George, Chennai 600 009.
- 2.The Secretary to Government,
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Secretariat, Fort St. George,
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PP(CO)
SP(04/11/2020)