



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.17002 of 2020

WEB COPY

1.M.Viswanathan
2.N.Arunkumar
3.R.Gurusamy

... Petitioners

vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Industries Department,
St. George Fort,
Chennai.

2.The Director of Sericulture,
Sericulture Department,
Salem,
Salem District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to give preference for the persons possessing the qualification of diploma/certificate course of Sericulture in the matter of promotion to the post of Assistant Inspector of Sericulture from the post of Junior Inspector of Sericulture taking into consideration the purpose and object of the Sericulture Department and also in the light of the qualification prescribed for the post of Assistant Inspector of Sericulture through direct recruitment and by considering the petitioners' representation dated 21.09.2020, within the period that may be stipulated by this Court.

For Petitioners : Mr.C.Venkateshkumar
for M/s.Ajmal Associates

For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

This Writ Petition is filed for a direction to the respondents to give preference for the persons possessing the qualification of diploma/certificate course of Sericulture in the matter of promotion to the post of Assistant Inspector of Sericulture from the post of Junior Inspector of Sericulture taking into consideration the purpose and object of the Sericulture Department and also in the



light of the qualification prescribed for the post of Assistant Inspector of Sericulture through direct recruitment and by considering the petitioners' representation, dated 21.09.2020.

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2. The learned counsel appearing for the petitioners submitted that the petitioners were appointed as Junior Inspector of Sericulture in the year 2016 and they are working as such without any complaints. The petitioners possessed Diploma in Sericulture/Advance Diploma in Sericulture/Certificate Course in Sericulture and they have also completed Accountant Test conducted by the Tamil Nadu Public Service Commission. Originally, the qualification prescribed for appointment of Assistant Inspector of Sericulture by direct recruitment is B.Sc., Degree in Botany, Zoology or Chemistry. Subsequently, the said Rule was amended and qualification prescribed for Assistant Inspector of Sericulture by direct recruitment is B.Sc., Sericulture or any certificate/ diploma course in Sericulture. Due to the amendment, the petitioners lost their opportunity to participate in the direct recruitment process for the post of Assistant Inspector of Sericulture. In the matter of direct recruitment, the respondents are given preference to B.Sc., Sericulture. According to the petitioners, they are specially qualified in the subject of Sericulture and hence, they should be given preference taking into consideration the fact that the Department itself is meant for Sericulture. Hence, the petitioners gave representations on 21.09.2020 and have come out with the present writ petition.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

4. From the contention of the learned counsel appearing for the petitioners and the documents filed in the typed set of papers, it is seen that the petitioners were appointed as Junior Inspector of Sericulture in the year 2016. Even before their appointment, the qualification for appointment the post of Assistant Inspector of Sericulture by direct recruitment, was amended, prescribing the qualification of B.Sc., Sericulture or any Certificate/ Diploma Course in Sericulture. The Assistant Inspector of Sericulture is appointed by following two methods. One is direct recruitment method and another one is by way of promotion from the post of Junior Inspector of Sericulture. The qualification for promotion from the post of Junior Inspector of Sericulture to the post of Assistant Inspector of Sericulture is prescribed in the Rules. The petitioners are now seeking preference for their qualification of diploma/certificate course in Sericulture obtained by them for promotion to the post of Assistant Inspector of Sericulture. This claim is made by the petitioners to give preference for the persons possessing the qualification of Diploma/Certificate Course of Sericulture in the matter of promotion to the post of Assistant



Inspector of Sericulture from the post of Junior Inspector of Sericulture. Unless the Rule is amended, incorporating such preference for promotion from the post of Junior Inspector of Sericulture to the post of Assistant Inspector of Sericulture, the petitioners are not entitled for the relief sought for in the present writ petition.

5. With the above observations, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Principal Secretary,
Industrial Department,
St. George Fort,
Chennai.

2.The Director of Sericulture,
Sericulture Department,
Salem,
Salem District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-22873[F] dated 16/07/2021)

W.P (MD) No.17002 of 2020

15.07.2021

MGJ(02.08.2021) 3P 4C