



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.19122 of 2016

and

W.M.P. (MD) .Nos.17508 and 13805 of 2016

WEB COPY

M.Mareeswaran

.. Petitioner

Vs

1.Government of Tamilnadu,
rep. by its Chief Secretary,
Fort St.George, Chennai-9.

2.The Director,
Department of Sericulture,
Nethaji Nagar,
Astham Patti,
Salem-636 007.

3.The Assistant Director,
Department of Sericulture,
Fox Complex,
Anai Medu,
Salem-636 001.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to issue the petitioner an order of appointment to the post of Junior Inspector of Sericulture notified in Notification No.1/2016 issued by the second respondent.

For Petitioner : Mr.K.Neelamegam

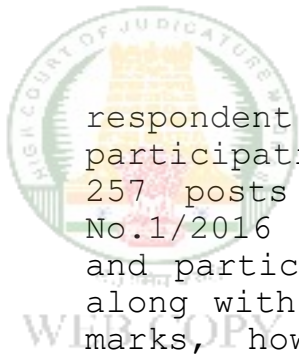
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

The prayer sought for in the present writ petition is for a direction to the respondents to issue the petitioner an order of appointment to the post of Junior Inspector of Sericulture notified in Notification No.1/2016 issued by the second respondent.

2. The case of the petitioner is that the petitioner belonged to the Scheduled Caste Community and he has passed Higher Secondary examination with Science as one of the subjects. Thereafter he completed Diploma course in Pharmacy and he worked as casual labour I Sri Ramalinga Silk Form (Central Silk Board Undertaking) at Achanthavilthan, Viruthunagar District. While so, the second



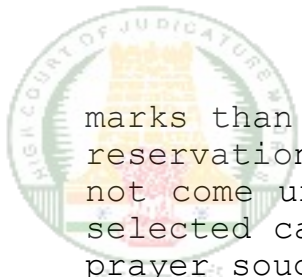
respondent called for applications from the eligible persons for participating in the written examination to direct recruitment for 257 posts of Junior Inspector of Sericulture vide notification No.1/2016 dated 13.01.2016. The petitioner applied through online and participated in the written examination and attended interview along with original certificates. Thereafter, he totally scored 115 marks, however, the candidates, who have scored less than the petitioner's marks were selected and the petitioner was not selected. Therefore, the petitioner sent a representation on 07.03.2016 to the respondents to include his name in the selected candidates list. But till date his representation has not been considered by the respondents. Hence, the petitioner approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that it would be suffice if a direction is issued to the respondents to consider the representation of the petitioner within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner belonged to Scheduled Caste Community and he secured total mark of 115.00 comprising both written examination and interview. Further he would submit that the petitioner had studied SSLC in Tamil Medium and the cut off marks for selection of candidates for Scheduled Caste Community (studied in Tamil Medium) is 123.50 and the said details of the selection process had been published in the Sericulture Website. The petitioner had secured only 115.00 marks, which is lesser than the cut off marks fixed for SC Tamil Medium (PSTM) candidates, ie., 123.50. Hence, his candidature was not considered. Further, the candidates referred by the petitioner in the Tabular Column mentioned in paragraph No.6 of the affidavit have been selected on the basis of the Rule of reservation and with reference to their priority as per G.O.Ms.No.142, Personnel and Administrative Reforms (K) Department, dated 14.10.2009 maintaining 200 roster point and the petitioner's candidature does not come under the reservation category on priority basis. Hence his name was not included in the selection list for the post of Junior Inspector of Sericulture. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials placed on record.

6. The facts in the present case are not disputed. Admittedly, the petitioner belonged to Scheduled Caste Community and studied SSLC in Tamil Medium and he has secured 115 marks both in the written examination as well as the interview, whereas the cut off marks for Scheduled Caste PSTM candidates is 123.50, hence his candidature was not considered. Further, perusal of the counter



marks than the petitioner, they have been selected on the basis of reservation category on priority basis, however, the petitioner did not come under the priority category. Hence, the candidature of the selected candidates cannot be equated with the petitioner. Thus, the prayer sought for in this writ petition cannot be granted.

7. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Chief Secretary,
Government of Tamilnadu,
Fort St.George, Chennai-9.

2.The Director,
Department of Sericulture,
Nethaji Nagar,
Astham Patti,
Salem-636 007.

3.The Assistant Director,
Department of Sericulture,
Fox Complex,
Anai Medu,
Salem-636 001.

+1 CC to M/s.SPL GP (SR-7889[F] dated 01/03/2021)

+1 CC to M/s.P.SUBBIAH, Advocate (SR-8226[F] dated 02/03/2021)

W.P. (MD) .No.19122 of 2016

26.02.2021

SGS (CO)

KB(29.03.2021) 3P 6C

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