



Writ Petition No.18057 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.18057 of 2015

P.Sivaprakasam

..Petitioner

vs.

1.The Commissioner of Agriculture,
Chepauk,
Chennai-600 005

2.The District Employment Officer,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to produce the appointment order enabling the petitioner to join duty as Assistant Agricultural Officer(AAO) and grant all consequential service and monetary benefits.

For Petitioner : No appearance

For Respondents : M.Jayanthi, AGP

ORDER



Writ Petition No.18057 of 2015

This Writ Petition has been filed seeking for issuance of a Mandamus, directing the respondents to produce the appointment order, enabling the petitioner to join duty as Assistant Agricultural Officer (AAO) and grant all consequential service and monetary benefits.

2. According to the learned counsel for the petitioner, the first respondent has called for qualified candidates from the Employment Exchange based on the seniority, for appointment as Assistant Agricultural Officer. The petitioner, was eligible to be appointed as Assistant Agricultural Officer based on his Diploma in Agriculture. His name was forwarded to the first respondent by the second respondent/Employment Exchange under the category of Most Backward Classes Community. The first respondent sent a call letter to the petitioner to appear for interview to the post of Assistant Agriculture Officer. The petitioner appeared for the interview on 24.01.2011, hence, the petitioner was neither appointed nor received any communication so far.

3. In the year 2014, when he went to Employment Exchange/R2 for renewal of his employment, he was informed that his name has been deleted



Writ Petition No.18057 of 2015

from the rolls as he was selected as Assistant Agricultural Officer. The petitioner has filed an application on 12.03.2015 under RTI Act before the second respondent to furnish copies of the letters dated 21.04.2010 & 16.07.2010 received from the first respondent. However, the second respondent by his communication dated 10.04.2015 informed that since the letters pertain to the Agriculture Department, they cannot furnish the same. Therefore, the petitioner has filed this Writ Petition seeking for a direction to the respondents to issue appointment order as Assistant Agricultural Officer.

4.A detailed counter affidavit has been filed by the respondent. It is submitted by the learned Additional Government Pleader that the second respondent has inadvertently removed the name of the petitioner from the rolls under misconception that the petitioner might have been selected for the post of Assistant Agricultural Officer by the first respondent, but on enquiry, it was revealed that the petitioner was not selected, thereby, the petitioner's seniority was restored back on 12.08.2015 vide his old registration no.TMD2015M000015724 from 2003 onwards.



5. It is further submitted that in all two interviews that were conducted in the year 2009 and 2011, in all 3494 and 3390 candidates respectively were qualified however, the petitioner could not be selected as he has not come under the zone of consideration basing on his merit.

6.The petitioner though appeared for interview for the post of Assistant Agricultural Officer before the first respondent on 24.01.2011, but he could not be selected in the interview, on merit. Once the petitioner was not selected, his name should not have been removed from the rolls of the second respondent Employment Exchange. However, inadvertently his name was removed and later the same was restored back realizing the fact that the petitioner was not selected.

7.The petitioner is seeking Mandamus to issue appointment order assuming that he was selected. The reason for the petitioner's assumption is that his name was removed by the Employment Exchange. Removing the name from Employment Exchange, inadvertently cannot be a ground for issue of appointment order. The petitioner has not reached the zone of consideration basing on merit in the interview, thereby he was not selected.



Writ Petition No.18057 of 2015

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8. Considering the same, since the petitioner was not selected, no direction can be given to give appointment order to the petitioner. Similarly, since the petitioner's name has already been restored, no further directions will have to be given in this context.

9. Inasmuch as the petitioner has failed to get appointed for the post on merit, the relief sought for in this Writ Petition cannot be granted. Hence, this Writ Petition is dismissed. No costs.

13.12.2023

Index : Yes/No
Speaking order: Yes/No
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To

1.The Commissioner of Agriculture,
Chepauk,
Chennai-600 005

2.The District Employment Officer,
Thiruvannamalai District,
Thiruvannamalai.



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Writ Petition No.18057 of 2015

Dr.D. NAGARJUN, J

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WP No.18057 of 2015

13.12.2023