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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.38843 of 2016

and

W.M.P.Nos.33295 & 33296 of 2016, 18225 of 2017

- 1.C.Sudha
- 2.S.Aunto Princy Vyla
- 3.D.Shanmugam
- 4.R.Alan Brindo
- 5.N.Pancharaja
- 6.V.Abudul Kadhar Jailani
- 7.K.Rathinam
- 8.T.Yuvaraj
- 9.M.Senthil Kumar
- 10.G.Gogularamanan
- 11.K.Senthil Kumar
- 12.T.Vijayaraghavan
- 13.J.L.Ajith Stalin
- 14.G.Mary Basil Bindhu
- 15.M.Kumaresan

.. Petitioners

Vs.

- 1.The State of Tamil Nadu
Rep.by the Secretary to Government,
Animal Husbandry and Dairying and
Fisheries Department,
Fort St. George,
Chennai – 600 009.



2.The Commissioner/Director of Fisheries,
Teynampet,
Chennai – 600 006.

3.The Tamil Nadu Public Service Commission,
Chennai – 600 002.
Rep.by its Secretary.

4.E.T.Mohankumar

5.V.Deeba

6.M.Manikandan

7.N.Balasaraswathy

8.A.Manimegalai

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st respondent in G.O.D.No.338 Animal Husbandry and Dairying and Fisheries (FS2) Department dated 13.10.2016 and the consequent order passed by the 2nd respondent in Proceedings No.L1/23128/2106 dated 14.10.2016 and to quash the same insofar as they relate to respondents 4 to 8 and direct the 1st respondent to appoint the petitioners as Assistant Directors of Fisheries based upon the marks obtained by them in the selection made by the Tamil Nadu Public Service Commission.

For Petitioner	.. Mr.V.Selvaraj
For R1 & R2	.. Mr.S. Ravikumar, SGP
For R3	.. Mr.R.Bharanidharan, Standing Counsel
For R4 to R8	.. Mr.R.Shase

**ORDER**

This writ petition has been filed in the nature of Certiorarified Mandamus seeking records relating to the 1st respondent in G.O.D.No.338, Animal Husbandry, Dairying and Fisheries (FS2) Department dated 13.10.2016 and the consequential order passed by the 2nd respondent in Proceedings No.L1/23128/2016 dated 14.10.2016 and to quash the same, so far as relating to the respondents 4 to 8 and direct the 1st respondent to appoint the petitioners as Assistant Director of Fisheries based on the marks obtained by them in the selection made by the Tamil Nadu Public Service Commission.

2.In effect, the petitioners claim that seniority should be determined on the basis of the marks, which they had obtained during the qualifying examination conducted by the Tamil Nadu Public Service Commission. They question the order of the 1st respondent dated 13.10.2016 in G.O.D.No.338, Animal Husbandry, Dairying and Fisheries (FS2) Department. In this order, the 1st respondent, the Secretary to Government, Animal Husbandry, Dairying and Fisheries Department, placed reliance on an earlier Government order in G.O.(D).No.363, Animal Husbandry,



Dairying and Fisheries (FS2) Department, dated 07.09.2015 and had stated that the panel period had lapsed and the vacancies for the temporary panel to the post of Assistant Director of Fisheries may be restricted to only 8 for the panel year 2015 – 2016. It had therefore been stated that since no candidates possessed 8 years of service for promotion to Assistant Director of Fisheries, the names which had been proposed in the said order can be recommended for the post of Assistant Director of Fisheries. A string of 8 names had been given in the Government order and of them, 4th to 8th respondents are found as Sl.Nos.3,5,6,7 and 8. Complaining that this was done without taken into consideration the marks obtained by the petitioners in the Tamil Nadu Public Service Commission examination and on merger of the two departments, the writ petition has been filed.

3.A consequential order had also been subsequently passed by the 2nd respondent, the Commissioner / Director of Fisheries, Chennai, in his proceedings dated 14.10.2016. The said proceedings had been issued as consequence of G.O.D.No.338 dated 13.10.2016, wherein, the appointment by recruitment by transfer to the post of Assistant Director of Fisheries in Tamil Nadu Fisheries Service had been ordered.



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4. In the counter affidavit, it had been stated that the temporary panel referred above, in which, respondents 4 to 8 names are found had been prepared on the basis of inter-se seniority issued on 21.12.2012. It was however, also stated that on receipt of clarification from the Tamil Nadu Public Service Commission for revising the inter-se seniority among the Inspector of Fisheries and Research Assistant, the inter-se seniority in the cadre of Assistant Director of Fisheries will also be revised and appropriate action will be taken to draw regular panel to the post of Assistant Director of Fisheries for the years 2015 – 2016 and also subsequent years as per educational qualification and service conditions, but primarily also with respect to the merit as determined by the Tamil Nadu Public Service Commission.

5. The learned Special Government Pleader forwarded the proceedings of the Commissioner of Fisheries and Fishermen Welfare in Proc.No.32926/S1/2021 dated 05.09.2023, wherein, to comply with the orders of the Hon'ble Supreme Court dated 18.04.2023, which stipulated that seniority list with overall rank has to be forwarded by the Tamil Nadu



Public Service Commission with respect to each and every department, the said Commissioner of Fisheries and Fishermen Welfare had prepared a rearranged seniority list as received from the Tamil Nadu Public Service Commission. It was also stated that the combined seniority list of Inspector of Fisheries and Research Assistant posts had been given, since the posts had been merged into one post of Inspector of Fisheries by G.O(Ms)No.135, Animal Husbandry, Dairying and Fisheries (FS2) Department dated 03.06.2013. This particular rank list for the aforesaid two posts merged into one had been issued by the Tamil Nadu Public Service Commission for those who had been directly recruited for the years 2002 – 2008, 2008 – 2009 and 2011 – 2012 on the basis of merit during their selection.

6.A comprehensive list had been produced before this Court. This would only indicate compliance of the orders of the Hon'ble Supreme Court, but more importantly also answer the relief sought by the petitioners herein.

7.The respondents 4 to 8, can always question this particular seniority list in manner known to law. But they will now have to abide by the seniority list and if for some reason, they find that their names have been either omitted or have not been kept in the correct seniority place, they can always raise their grievances with the respondents. But the preparation of



this particular comprehensive list addresses the relief sought in the writ petition and therefore, no further issue arises for adjudication.

8. Recording the said proceedings of the Commissioner of Fisheries and Fishermen Welfare dated 05.09.2023 in Proc.No.32926/S1/2021 as forwarded by the learned Special Government Pleader, **the writ petition stands disposed of.** The said proceedings shall form part of the Court records. The consequential orders in accordance with the seniority relating to the actual promotion to the post of Assistant Director of Fisheries and placing them in the actual position and the date on which, they should have been promoted are to be issued by the respondents. Such consequential proceedings should be issued within a period of sixteen weeks from the date of receipt of a copy of this order. No costs. Consequently, connected writ miscellaneous petitions are closed.

20.09.2023

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking order: Yes/No



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Animal Husbandry and Dairying and
Fisheries Department,
Fort St. George,
Chennai – 600 009.
2. The Commissioner/Director of Fisheries,
Teynampet,
Chennai – 600 006.
3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 600 002.



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C.V.KARTHIKEYAN,J.

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