



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM

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

W.P.No.18007 of 2017
and
W.M.P.No.19571 of 2017

G. Muruganandam

.. Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Agriculture,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Commissioner of Agriculture,
Chepauk,
Chennai – 600 005.
- 3.The Deputy Director to Agriculture,
Agricultural Marketing and Agri Business,
Ramanathapuram,
Coimbatore – 45.

.. 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 pertaining to the impugned order passed by the 2nd respondent in Letter No.Ka.Pa.Ni2/78748/16 dated 22.07.2016 and the seniority panel in



FSE2/78748/2015 dated 22.07.2016 and to quash the same and direct the 2nd respondent to fix the inter-se seniority of all the 1703 Assistant Agricultural Officers based on their marks secured in the selection process and by following the communal roster.

For Petitioner .. Mr.R. Subramanian

For Respondents .. Mr.V.Nanmaran, AGP

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus calling for the records of the impugned order passed by the 2nd respondent dated 22.07.2016 and to quash the same and also direct the 2nd respondent to fix the inter-se seniority of 1703 Assistant Agricultural Officers based on their marks secured in the selection process and by following the communal roster.

2.The issue raised by the petitioner had been addressed by this Court in *W.P.No.32826 of 2016*, dated *18.07.2023*, *Tamil Nadu Assistant Agricultural Officers Association Vs. the State of Tamil Nadu rep. by its Principal Secretary to Government and another*. That writ petition was in the nature of Mandamus seeking a direction to the respondents therein to



revise the seniority list for the post of Assistant Agricultural Officer based on the objection given by the petitioner union. This Court, in that particular case had observed as follows:

“3.The petitioner had given a representation on 13.06.2016 seeking consideration in accordance with the proceedings of the 2nd respondent in Ka.Pa.Ne.2/78748/2016 dated 22.07.2016. But, however, since the issue had been settled by the Hon'ble Supreme Court, it is only appropriate that the respondents should follow the directions of the Hon'ble Supreme Court, whenever the issue of seniority arises, particularly, even in the case of Seed Officers for which post the petitioner was initially appointed.

4.Once there has been a judicial pronouncement giving finality to the entire issues, the petitioner and the respondents are bound by that particular decision of the Hon'ble Supreme Court. Therefore, a Mandamus would not lie calling upon the respondents to re-examine the representation given by the petitioner. I would rather issue a direction to the respondents to follow the directions of the Hon'ble Supreme Court.

5.Recording as above, this Writ Petition stands disposed of. No costs.”



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3.The petitioner herein had been appointed as Assistant Agricultural Officer in the respondent by posting order dated 19.07.2010 and had joined service on 21.07.2010. The petitioner was one among 1703 candidates, who had been appointed in one recruitment. It had been claimed by the petitioner that seniority had to be fixed in accordance with the merit or the marks as obtained during the course of selection process.

4.It is in that connection, that the petitioner had given a representation, but questions the impugned order, which does not confirm to that particular merit list. Since the issue had been answered by the Hon'ble Supreme Court that only the merit as prepared by the respondents during the selection process alone has to be considered for seniority, the direction given above would also accrue to the petitioner herein.

5.The respondents are directed to follow the directions of the Hon'ble Supreme Court with respect to determination of seniority. In view of the same, the seniority list dated 22.07.2016 is set aside and direction is given to the 2nd respondent to prepare a fresh seniority list, in accordance with



marks obtained during the course of selection process. After issuing such seniority list, consequential further orders relating to promotion may also be issued by the respondents. Necessary proceedings in this regard to be issued within a period of sixteen weeks from the date of receipt of a copy of this order.

6. With the above observations, this writ petition stands disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

20.09.2023

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking order: Yes/No

To

1. The Principal Secretary,
Department of Agriculture,
Fort St. George, Secretariat,
Chennai – 600 009.

2. The Commissioner of Agriculture,
Chepauk,
Chennai – 600 005.



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C.V.KARTHIKEYAN,J.

smv

3.The Deputy Director to Agriculture,
Agricultural Marketing and Agri Business,
Ramanathapuram,
Coimbatore – 45.

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