



W.P(MD)No.6481 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6481 of 2023
and
W.M.P.(MD)Nos.6134 & 6136 of 2023

B.Ubashana

... Petitioner

Vs.

1.Indian Council of Agricultural Research,
Rep. by its Secretary,
Krishi Bhawan,
New Delhi-110 001.

2.The Secretary to Government,
Health & Family Welfare Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

3.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai.
Teynampet,
Chennai-06.

4.The Registrar,
The Tamil Nadu Agricultural University,
Coimbatore-641 003.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned list of ineligible candidates bearing No. 02/MRB/2021 issued by the third respondent dated 13.03.2023 and quash the same insofar as the petitioner is concerned which is in S.No.10, MRB No.70, Roll No.201039182 & Reg. No.127889 and consequently, direct the respondents to issue order of appointment to the petitioner as Food Safety Officer in the MBC/DNC category pursuant to the recruitment vide Notification No.02/MRB/2021, dated 13.10.2021

For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.S.Paramasivam
Senior Panel Counsel for R1
: Mr.G.Suriyananth
Additional Government Pleader for R2
: Mr.R.Baskaran
Additional Advocate General
assisted by
Mr.T.S.Mohamed Mohideen
Standing Counsel for R3
: Mr.A.Thirumurthy for R4

ORDER

Heard the learned counsel on either side.

2. MSRB issued notification inviting applications from eligible candidates for the post of Food Safety Officer. The petitioner applied in



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response thereto. She was successful in the written test. She was called for certificate verification. However, MSRB issued the impugned list of ineligible candidates and the petitioner's name is mentioned therein. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned list insofar as the petitioner is concerned and grant relief as prayed for.

4. The third respondent has filed the counter affidavit and also typed set of papers. The learned Additional Advocate General assisted by the learned standing counsel for MSRB took me through its contents. His pointed contention is that a legitimate doubt has arisen with regard to the qualification of the petitioner and therefore, the concerned universities have been called upon to clarify the factual position. My attention has been drawn to the communication bearing R.No. 4884/2019/S10/FSD, dated 28.03.2023. The operative portion of the said communication reads as follows:-



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“In this connection, it is requested to clarify the eligibility for the post of Food Safety Officer of the above said 18 withheld candidates and 13 ineligible candidates and Siddha and BDS candidates who possess various qualification in the light of the qualification prescribed in the Rules 2.1.3.1 of Food Safety and Standard Rules, 2011 early so that Tamil Nadu Medical Recruitment Board can proceed for filling up the vacant post.”

Since clarification is awaited, this writ petition has been prematurely filed.

5. I carefully considered the rival contentions and went through the materials on record. The post in question is that of Food Safety Officer.

The qualification for the said post is as follows:-

“6B Educational Qualification:

Candidates should possess the following or its equivalent qualification for the post of Food Safety Officer on the date of this notification (13.10.2021)

I. A. Bachelor's degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or Bio-Chemistry or Microbiology or Master's Degree in Chemistry or a Bachelor's degree in medicine from a University recognised by the University Grants Commission.

II Any other equivalent / recognised qualification notified by the Central Government.

Note: Candidate should have studied Tamil as one of the subject in HSC.”



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The requirement mentioned above is in accordance with the statutory rules. The only question that now calls for consideration is whether the degree possessed by the petitioner would fall within the expression “*Bachelor's degree in Agricultural Science*”. The petitioner is possessing B.Sc (Horticulture). The degree was awarded to the petitioner herein by the fifth respondent university. Before this Court, the learned standing counsel appearing for Tamil Nadu Agricultural University as well as the learned standing counsel appearing for Annamalai University had clarified in unison that the degree B.Sc (Horticulture) will very much fall within the sweep of the expression of “*Bachelor's degree in Agricultural Science*”. The university obviously is the competent authority. When the university has clarified the position in favour of the petitioner, nothing further arises for consideration. The information brochure issued by the Tamil Nadu Agricultural University speaks for itself. It catalogues the Undergraduate Academic Programs in Agricultural Science. B.Sc (Hons.) Horticulture is one of the eight courses mentioned in the brochure. The learned standing counsel appearing for Tamil Nadu Agricultural University also draws my attention to G.O.Ms.No.89, Agriculture (AU) Department, dated 03.06.2011. The said G.O also states



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that B.Sc Horticulture is one of the agricultural science courses. In my view, G.O.Ms.89, dated 03.06.2011 concludes the issue in favour of the petitioner.

6. In this view of the matter, the impugned list is set aside insofar as the petitioner herein. The petitioner shall be treated as an eligible candidate. The petitioner shall be considered in accordance with law and as per notification. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

12.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

The Secretary to Government,
Health & Family Welfare Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.



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G.R.SWAMINATHAN, J.

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