



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Eleventh day of May Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and

The Hon`ble Mrs.Justice S.SRIMATHY

WMP(MD) No.9051 of 2023

IN

WP(MD) No.10208 of 2023

WEB COPY

1 V.P.HARINI HARISHMA
2 K.SARAVANAN
3 N.VINITHA
4 V.MULLAIVENDHAN
5 N.NIVETHA
6 N.SATHEES
7 V.VASANTHAN

... PETITIONERS

Vs

1 STATE OF TAMIL NADU
REP. BY ITS AGRICULTURAL PRODUCTION COMMISSIONER AND
SECRETARY TO GOVERNMENT,
AGRICULTURE AND FARMERS WELFARE DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 009.

2 THE DIRECTOR OF AGRICULTURE
CHEPAUK, CHENNAI - 600 005.

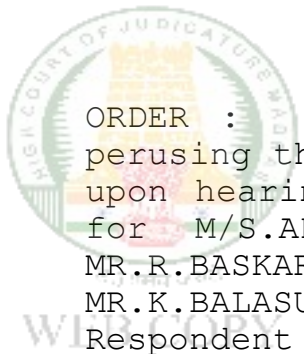
3 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION,
TNPSC ROAD, BROADWAY,
CHENNAI - 600 003.

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of interim stay of the notification issued by the 3rd respondent dated 12.01.2023 vide, advertisement no.645 in so far as the direct recruitment to the post of Assistant Director of Agriculture pending disposal of the present writ petition.

Prayer in WP(MD). 10208/ 2023 :

To issue a Writ of Certiorari calling for records relating to the order of the 1st respondent dated 21.01.1981 issued in G.O.Ms.No.111 Agriculture (AAV) Department, in so far as it relates to the Annexure to Rule 6(b) relating to the filling up of the vacancies in the post of Assistant Director of Agriculture (Extension) by way of direct recruitment and the consequential notification issued by the 3rd respondent dated 12.01.2023 issued in advertisement no.645 only in so far as the ADA post is concerned and quash the same.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.SRINATH SREEDEVAN, Senior Counsel for M/S.ADITHYA REDDY, Advocate for the petitioners and of MR.R.BASKARAN, Additional Advocate General Assisted by MR.K.BALASUBRAMANI, Special Government Pleader on behalf of the Respondent Nos.1 & 2 and MR.J.ANANDKUMAR, Standing Counsel on behalf of the 3rd Respondent, while admitting the Writ Petition, the court made the following order:-

Heard Mr.Srinath Sreedevan, learned Senior Counsel appearing for the petitioners and Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.K.Balasubramani, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.J.Anandkumar, learned Standing Counsel appearing for the third respondent.

2.The writ petitioners possess Post Graduate Degree in M.Sc., (Agriculture). The Tamil Nadu Public Service Commission has issued the impugned recruitment notification inviting applications from eligible candidates, who have the qualification of M.Sc. (Agriculture Extension). The notification of the Tamil Nadu Public Service Commission cannot be found fault. It is inconsonance with the relevant Recruitment Rules issued in the year 1981. It is seen that the validity of this Rule was put to challenge in O.A.No.6809 of 1999. An interim order was also granted by the Tribunal. When the matter was transferred to the High Court, it was renumbered as W.P.No.42295 of 2006 (T). For reasons that are not quite clear, the writ petition was dismissed as withdrawn. The writ petition was filed by the Tamil Nadu Government Agricultural Graduates Association. They were under the impression that their grievance stood redressed on account of issuance of G.O.Ms.No.537, Agricultural Department, dated 24.12.2007.

3.The fact remains that the recruitment Rules issued in G.O.Ms. No.111 dated 21.01.1981 is holding good and has not been repealed or modified. However, the learned Senior Counsel would assert that this Rule was never enforced and that the direct recruitment for the post of Assistant Director of Agriculture(Extension) is being held for the first time. It is also asserted by the learned Senior Counsel that M.Sc(Agricultural Extension) is equivalent to M.Sc (Agriculture). He would also place reliance on the Letter No.8607/AAI(1)/2021-19, dated 31.01.2023 sent by the Agricultural Production Commissioner and Secretary to Government to the Member Secretary, Tamil Nadu State Council for Higher Education, Chennai, in this regard.

4.We are clear and conscious that the issue of equivalence will have to be decided only by the Government. However, there is *prima facie* material in favour of the petitioners. The petitioners will suffer irreparable hardship and loss, if they are not permitted to take part in the petition mentioned recruitment process.



5. We permit the petitioners to apply through offline mode to the third respondent. The petitioners shall submit applications by tomorrow (12.05.2023) itself. The third respondent will entertain the same and issue Hall Ticket permitting the petitioners to take part in the proposed examination. In the meanwhile, the Government will decide the issue of equivalence. If the issue is decided in favour of the petitioners, their applications will be decided based on their performance in the examination.

6. The Writ Miscellaneous Petition is disposed of accordingly.
sd/-

11/05/2023

/ TRUE COPY /

12/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn/rm

TO

1 THE AGRICULTURAL PRODUCTION COMMISSIONER AND
SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU,
AGRICULTURE AND FARMERS WELFARE DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 009.

2 THE DIRECTOR OF AGRICULTURE
CHEPAUK, CHENNAI - 600 005.

3 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION,
TNPSC ROAD, BROADWAY,
CHENNAI - 600 003.

+1 CC to M/s. J. ANANDKUMAR, Advocate (SR-7376[I] dated 12/05/2023)

+1 CC to M/s. P. SAMUEL GUNASINGH, Advocate (SR-7382[I] dated 12/05/2023)

ORDER

IN

WMP(MD) No.9051 of 2023

IN

WP(MD) No.10208 of 2023

Date : 11/05/2023

RS/BUC/SAR-(12.05.2023) 3P 6C

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