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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.10730 of 2016
and WMP.Nos.9373 to 9375 of 2016

Arulkumaran

... Petitioner

Vs.

1. The Director

Sericulture Department,
Fort St.George,
Chennai 600 009.

2. The Director

Sericulture Department
Foulke's Compound
Annaimadu, Salem.

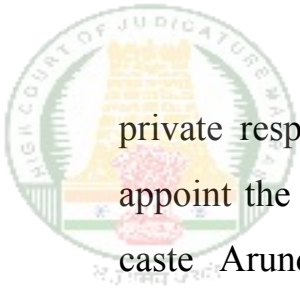
3. Kumaresan

4. K. Sarasu

5. Venkatesan

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus calling for the records of the second respondent herein and quash the selection list published by the second respondent herein on the official website dated 02.03.2016 so far as the selection of the three



private respondents 3 to 5 and consequently direct the respondents to select and appoint the petitioner to the post of Junior Inspector of Sericulture in the Schedule caste Arundandiar category pursuant to the notification No.1 of 2016 dated 13.01.2016.

For Petitioner : Mr.Mukund R.Pandiyan

For Respondents : Mr.R.Kumaravel

Addl. Govt. Pleader for R1 & R2

No appearance for R3, R4 & R5

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent herein and quash the selection list published by the second respondent herein on the official website dated 02.03.2016 so far as the selection of the three private respondents 3 to 5 and consequently direct the respondents to select and appoint the petitioner to the post of Junior Inspector of Sericulture in the Schedule caste Arundandiar category pursuant to the notification No.1 of 2016 dated 13.01.2016.

2. The petitioner has filed the writ petition questioning his non-selection to the post of Junior Inspector of Sericulture. As the petitioner was fully qualified for appointment to the post of Junior Inspector of Sericulture he applied as per notification No.1 of 2016 dated 13.01.2016. In terms of the said notification, the examination was held on 07.02.2016, and the petitioner was called for the interview



on 18.02.2016. Thereafter, the 2nd respondent published the merit list on 02.03.2016.

The petitioner obtained 96.25 marks totally i.e., 82.25 marks in the written examination and 14 marks in the interview. According to the petitioner he belongs to schedule caste Arundadiar community and even though the petitioner obtained more marks than the private respondents 3 to 5 he was not selected in the Schedule Caste Arundandiar category. Hence the petitioner filed the above writ petition.

3. The second respondent filed a detailed counter stating that the private respondents 3 to 5 were selected based on communal rotation, rule of reservation, priority and non priority basis. According to the respondent, the selected candidates belonged to priority category in the respective turns such as SCA (G) priority, SCA (women) priority, Tamil Medium and General Turn, General (Priority). Therefore, the private respondents 3 to 5 who obtained lesser marks than the petitioner were selected in the priority category. According to the respondents 1 & 2, the petitioner did not belong to priority category but belonged to SCA (General) category which was a non priority category. The cut off mark fixed for SCA (G) category was 126.50 but the petitioner scored only 96.25 marks, which was far lesser than the cut off marks and therefore the petitioner was not eligible for selection in the SCA (General) non-priority category.

4. The learned counsel for the petitioner submitted that all the three private respondents selected by the respondents 1 & 2 obtained much lesser marks than the petitioner and therefore the selection of the private respondents 3 to 5 was not



sustainable.

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5. The learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that the private respondents belonged to SCA (General) priority, SCA women priority, General Tamil Medium and General Turn General Priority. They were selected in the priority category of Inter caste marriage and Tamil medium. As the petitioner belonged to SCA (General) non priority category and as he obtained 96.25 marks only, which was far lesser than the cut off marks of 126.50 fixed for SCA (G) category, the petitioner was not selected. The counsel further submitted that assuming the private respondents 3 to 5 were wrongly considered under priority category even then as the petitioner who did not obtain the cut off marks for the general category he could not question their selection.

6. Heard both sides and perused the materials available on record.

7. It is seen that the selection of the private respondents 3 to 5 was made on the basis of priority category. The petitioner admittedly does not belong to priority category but falls under the SCA (G) category. The petitioner therefore cannot challenge the selection of the private respondents who belong to the SCA(G) priority category. As rightly contented by the learned Additional Government Pleader assuming that the private respondents were wrongly selected under the priority category, even though they were to be selected under the SCA(G) category the petitioner who does not fall under the zone of consideration for SCA(G) category for



want of minimum cut off mark of 126.50 cannot question their selection.

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8. In view of the above factual position, the selection list published by the second respondent in the official website dated 02.03.2016 in so far as it relates to the selection of the three private respondents 3 to 5 herein is hereby confirmed.

9. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

05.09.2024

dpq

Index : Yes /No

Speaking Order : Yes/No

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