



W.P.No.27910 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2024

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THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.27910 of 2012

R.Muthukumar

...Petitioner

vs.

1. The Government of Tamil Nadu,  
Represented by Secretary to Government,  
Animal Husbandry, Dairying & Fisheries Department,  
Secretariat, Chennai-600 009.

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

3. The Assistant Commissioner/Director of Fisheries,  
(Domestic Aquaculture)  
Villupuram.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to order in Letter No.23074/FS.2/2011-4 dated 09.04.2012, to quash the same and to issue consequential directions to the respondents 1 to 3 to regularize the services of the petitioner in the post of Fisheries Inspector/Sub-Inspector from the dates of his initial appointment and absorb him in regular establishment in



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regular time-scale of pay commensurate with his qualification.

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For Petitioner : No Appearance  
For Respondents : Mr.S.Rajesh  
Government Advocate

ORDER

The petitioner is not represented.

2. Mr.S.Rajesh, learned Government Advocate appearing for the respondents is present.

3. The Letter No.23074/FS.2/2011-4 dated 09.04.2012 issued by the first respondent is under challenge.

4. The petitioner who has passed B.F.Sc. Degree (Bachelor of Fisheries Science) was appointed to the post of Field Activity monitor on a contract basis initially on 19.01.2010 and he was re-appointed to the same post in the year 2011.

5. Meanwhile, the petitioner and other similarly appointed persons



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gave representation dated 08.06.2011 to the respondents to regularize their services and to absorb them in the post of Fisheries Inspector/Sub Inspector. It was rejected by the first respondent in Letter No.23074/FS.2/2011-4, Animal Husbandry, Dairying and Fisheries Department dated 09.04.2012. Hence this writ petition.

6. Mr.S.Rajesh, learned Government Advocate appearing for the respondents would vehemently contend that the petitioner was appointed only on temporary basis, initially for period of a one year and thereafter, it was extended for another year. The post of Sub Inspector of Fisheries comes under the purview of Tamil Nadu Public Service Commission. Therefore, they cannot be appointed to the said post under 10 (a)(i) of the General Rules in the existing vacancies.

7. It appears that the petitioner and seven others preferred W.P.No.25030 of 2011 before this Court sought for issuance of writ of mandamus directing the respondents to dispose of their representation, and it was ordered on 31.10.2011 by issuing directions to the respondents to consider the representation and pass orders. Thereafter, the impugned order came to be passed, which is under challenge.



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8. The post of Sub Inspector of Fisheries comes under the purview of the Tamil Nadu Public Service Commission. When the post comes under the purview of the Tamil Nadu Public Service Commission, then they cannot be appointed under 10(a)(i) of the General Rules in the existing vacancies. Therefore, the impugned order does not suffer from any irregularity or perversity.

9. Based on the aforesaid discussions, the writ petition is liable to be dismissed as devoid of merits and thereby dismissed. There is no order as to costs. Consequently, connected miscellaneous petition, if any stands closed.

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Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No  
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R.KALAIMATHI, J.

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To

1. The Government of Tamil Nadu,  
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Secretariat, Chennai-600 009.
2. The Commissioner/Director of Fisheries,  
Chennai – 600 006
3. The Assistant Commissioner/Director of Fisheries,  
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