



W.P.No.28969 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28969 of 2022

W.M.P.Nos.28258, 28260 & 28262 of 2022

R.S.Geethapriya

...Petitioner

-Vs -

1. The Secretary to the Government,
Fisheries and Animal Husbandry Department,
Fort St. George,
Secretariat, Chennai – 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
V.O.C. Nagar,
Park Town,
Chennai – 600 003.
3. The Commissioner,
Fisheries and Fishermen Welfare Department,
Nandanam, Chennai – 600 035.
4. The Vice Chancellore,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Vettar River View Campus,
Nagapattinam,
Nagapattinam District.



W.P.No.28969 of 2022

WEB COPY

5. The Registrar,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Vettar River View Campus,
Nagapattinam,
Nagapattinam District.

... 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 in relates to the notification issued by the second respondent in 5(B) in Advertisement No.635 Notification Nos.29/2022 dated 13.10.2022, and quash the same and consequently direct the second respondent to include the B.Tech Fisheries Engineering Course in the said notification in 5(B).

For Petitioner : Mr.V.Kasinatha Bharathi
For Respondents
For R1 & R3 : Mr.S.Arumugam,
Government Advocate
For R2 : Mr.R.Bharanidharan
Standing Counsel
For R4 & R5 : Mr.V.Vijay Shankar

ORDER

This writ petition has been filed challenging the Notification No.29/2022 dated 13.10.2022, and to direct the second respondent to include B.Tech Fisheries Engineering Course in the said notification.



W.P.No.28969 of 2022

2. The petitioner had completed her B.Tech Fisheries Engineering course in the fourth respondent university. The said course was newly introduced in all over State as well as all over India in the year 2015. The petitioner had completed the B.Tech degree in the year 2019. While being so, the second respondent issued notification Nos.29/2022 dated 13.10.2022, thereby called upon application to the post of Sub Inspector of Fisheries in Tamil Nadu Fisheries Subordinate Service. In the said notification in Sl.No.5(B), the second respondent had fixed the education qualification as follows :-

“5.....

(B) Educational Qualification (as on 13.10.2022)

Applicants should possess the following or its equivalent qualification awarded by any University or Institution recognized by the University Grants Commission:

<i>Name of the Post</i>	<i>Educational Qualification</i>
<i>Sub Inspector of Fisheries</i>	<i>(i) Must possess a Diploma in Fisheries Technology and Navigation awarded by the State Board of Technical Education and Training, Tamil Nadu.</i> <i>(or)</i> <i>(ii) Must possess a Science Degree with Zoology as main subject</i> <i>(or)</i>



<i>Name of the Post</i>	<i>Educational Qualification</i>
	<i>(iii) Must possess a Degree of Bachelor of Fisheries Science.</i> <i>Provided also that the vacancies reserved for direct recruitment shall be filled in the ratio of 60:40 between B.F.Sc., degree holders and others.</i>

3. Even before notification, the petitioner had sent several representation and request seeking inclusion of the B.Tech Fisheries Engineering Course for the post of Inspector and Sub Inspector for the Fisheries Department. However, the degree of B.Tech Fisheries Engineering was not added as educational qualification in the notification. The B.Tech Fisheries Engineering course is a four years course and also professional degree. The petitioner has studied much more rather than the candidates, who are studying three years degree course and other courses mentioned as educational qualification in the notification.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



W.P.No.28969 of 2022

5. The first and third respondents filed counter and it revealed that Bachelor of Fisheries Science as the educational qualification for the post of Sub Inspector of Fisheries under direct recruitment for 60% of the vacancy shall continue. The inclusion of B.Tech (Fisheries Engineering) to be considered as a eligible qualification for the post of Sub-Inspector of Fisheries through direct recruitment under 40% quota non- Bachelor of Fisheries Science graduates. Combination of Bachelor of Fisheries Science and Non Bachelor of Fisheries Science qualification in Sub Inspector of Fisheries recruitment to fulfill the requirement of the department in the field level is under active consideration. In this regard, necessary amendments will be issued as soon as the Government takes a final decision to include the qualification of B.Tech Fisheries Engineering for direct recruitment to the post of Sub Inspector of Fisheries under the 40% non-Bachelor of Fisheries Science quota.

6. Further stated that the decree of B.Tech Fisheries Engineering contain some relevant courses to practical application and knowledge in the field like fish farming, farm engineering, aquaculture, processing etc. Hence there is no vast difference between the both courses viz., Bachelor of Fisheries Science and B.Tech in Fisheries Engineering.



W.P.No.28969 of 2022

Therefore, the petitioner was permitted to apply to the post of Sub Inspector of Fisheries and she had appeared for written examination. Due to the pendency of this writ petition, the result has been withheld.

7. Considering the above facts and circumstances, the second respondent is directed to publish the result of the petitioner in the written examination to the post of Sub Inspector of Fisheries forthwith. If the petitioner is in the zone of consideration to appoint as Sub Inspector of Fisheries, the second respondent is directed to proceed with her appointment under 40% of non Bachelor of Fisheries of Science quota.

8. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

24.01.2024
(1/2)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
rts



W.P.No.28969 of 2022

To
WEB COPY

1. The Secretary to the Government,
Fisheries and Animal Husbandry Department,
Fort St. George,
Secretariat, Chennai – 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
V.O.C. Nagar,
Park Town,
Chennai – 600 003.
3. The Commissioner,
Fisheries and Fishermen Welfare Department,
Nandanam, Chennai – 600 035.
4. The Vice Chancellore,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Vettar River View Campus,
Nagapattinam,
Nagapattinam District.
5. The Registrar,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Vettar River View Campus,
Nagapattinam,
Nagapattinam District.



WEB COPY



W.P.No.28969 of 2022

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.28969 of 2022 and
W.M.P.Nos.28258, 28260 & 28262 of 2022

24.01.2024
($\frac{1}{2}$)