



WP No.1367 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

**W.P.No.1367 of 2022
and
W.M.P.No.1487 of 2022**

M.Chandramani

... Petitioner

Vs.

1. State of Tamil Nadu,

Rep by its Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Fort St.George, Secretariat,
Chennai 600 009.

2. The Director of Fisheries,

Office of Directorate of Fisheries,
Anna Salai, Nandanam,
Chennai 600 035.

3. The Chairman,

Tamil Nadu Public Service Commission,
V.O.C Nagar, Park Town,
Chennai 600 003.

... Respondents



WP No.1367 of 2022

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the petitioner for selection and appointment to the post of Assistant Director of Fisheries based on the selection as per Notification No.42 of 2012 dated 01.11.2012 issued by the 3rd respondent TNPSC, consequent to the provisional selection list issued in the year 2017 and the supplemental list issued in the year 2020, in the vacancy due to non joining of candidates, in considering the representation submitted by the petitioner dated 09.03.2021, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner	:	Mr.S.Nedunchezhiyan
For Respondents 1 and 2	:	Ms.S.Anitha Special Government Pleader
For Respondent-3	:	Mr.U.Bharanidharan, Standing Counsel

ORDER

The above writ petition is filed for the following relief:

“To issue a writ of mandamus directing the respondents to consider the petitioner for selection and



WP No.1367 of 2022

appointment to the post of Assistant Director of Fisheries, based on the selection as per Notification No.42 of 2012 dated 01.11.2012 issued by the 3rd respondent, TNPSC, consequent to the provisional selection list issued in the year 2017 and the supplemental list issued in the year 2020, against the vacancy due to non joining of candidates, by considering the representation submitted by the petitioner dated 09.03.2021, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.”

2. It is the case of the petitioner that he had qualified for a degree in Bachelor of Fisheries Science (BFSc) in the year 2008 and a Master of Fisheries Science (MFSc) in the same stream in the year 2012. The petitioner belongs to the Scheduled Caste Arunthathiyar (SCA) community. By Notification No.42 of 2012 dated 01.11.2012, the 3rd respondent invited applications for direct recruitment to the post of Assistant Director of Fisheries in the Tamil Nadu Fisheries Department for the years 2000-2001 to 2006-2007, notifying 11 vacancies to be filled up by following a selection process consisting of two stages namely 1) Main examination in

3/13



WP No.1367 of 2022

computer-based test format and 2) Oral Test, following Rule of reservation.

The petitioner had applied for the post under the SCA category.

3. Based on the marks secured by the petitioner, his name was shortlisted for the oral test and he had also participated in the same on 22.10.2013. He had secured 201 marks in the written examination and 24 marks in the oral test and in all, he had secured 225 marks. Meanwhile, W.P.No.29303 of 2013 came to be filed, challenging the selection on the ground that the posts of Assistant Director could not be filled by direct recruitment without granting promotion to the eligible persons working in the feeder post. Interim orders were passed in the above writ petition and the selection was kept in abeyance.

4. Subsequently, in the year 2015, the TNPSC issued a notification for selection to the post of Inspector of Fisheries wherein also the petitioner had participated. He was selected and appointed to the post of Inspector of Fisheries by order dated 21.09.2015. The petitioner is presently working as Inspector of Fisheries in the Department of Fisheries.



WP No.1367 of 2022

WEB COPY

5. While so in the year 2017, the interim order granted against the selection to the post of Assistant Director of Fisheries, based on the 2012 notification, was modified by orders of this Court and consequently, the 3rd respondent/TNPSC had issued the provisional selection list on 22.05.2017 for the post of Assistant Director of Fisheries. The petitioner's name was included in the reserved list against the SCA(W) category, since no qualified woman candidate under SCA was available. The petitioner would submit that the vacancy ought to have been filled by a male candidate belonging to the respective communal category, as per the notification.

6. The petitioner would submit that since the recruitment has been delayed pending litigation, number of candidates included in the provisional selection list have already been selected to different posts viz., Agricultural Research Scientist in ICAR.

7. In these circumstances, out of 11 candidates selected provisionally for the post of Assistant Director, 6 candidates have expressed their unwillingness to join duty. Thereafter, the State Government had issued orders in the year 2018 approving the supplemental list of 6 candidates sent

5/13



by TNPSC in the place of candidates who had not joined duty and their names were consequently deleted.

8. It is the further case of the petitioner that out of the 6 candidates, 3 more candidates had expressed their unwillingness to join duty. The TNPSC has therefore forwarded a revised supplemental list of 3 candidates from the selection list by considering the reserved list candidates. In the supplemental list, which was approved by the orders of the 1st respondent dated 06.02.2020, the name of R.Mary Lini was included. The said Mary Lini did not join the post of Assistant Director and therefore, the supplemental list was not operated in respect of the vacancy allotted to R.Mary Lini.

9. Therefore, the petitioner had submitted a representation to the 3rd respondent stating that he is the next candidate for the post of Assistant Director of Fisheries and therefore, he should be considered for the said post, which now lies vacant on account of R.Mary Lini's reluctance to join duty. The petitioner thereafter submitted another representation to the 3rd respondent dated 06.03.2020 in person, requesting to consider him for selection from the reserved list, which was not considered by the 3rd

6/13



WP No.1367 of 2022

respondent. The petitioner had sent several representations and in response to the e-mail dated 08.01.2021, the 3rd respondent had sent a reply on 13.02.2021 stating that the request could not be complied with, as the said Mary Lini was placed in the reserved list for the post of Assistant Director of Fisheries under SCA(W) category. The petitioner would submit that this communication is highly misconceived, inasmuch as Mary Lini had already been included in the supplemental list and had not joined the post under SCA (W) category. Therefore, by reason of the operation of the reserved list, the petitioner ought to be given the appointment order.

10. It is the further contention of the petitioner that the selection list published by the TNPSC in the year 2017 was valid till the drawal of next selection list for the post of Assistant Director of Fisheries. Therefore, the petitioner had submitted a detailed representation to the 3rd respondent on 09.03.2021 requesting to consider him for the post of Assistant Director (Fisheries) on account of the non joining of Mary Lini. This representation has not been considered and therefore, the petitioner is before this Court seeking a writ of mandamus.



WP No.1367 of 2022

WEB COPY

11. A counter affidavit has been filed on behalf of respondents 1 and 2, wherein it is contended that the 2nd respondent is the appointing authority for the post of Assistant Director of Fisheries as per the Special Rules of the Tamil Nadu Fisheries Service. Up to the panel year 2017-2018, the Government had approved the estimate of vacancies for the post of Assistant Director of Fisheries for both modes of recruitment namely recruitment as well as promotion. The vacancy for the panel years 2001-2002 to 2006-2007 was approved as “11” vide G.O.(2D) No.25, Animal Husbandry, Dairying and Fisheries Department, dated 31.01.2007 and G.O(2D) No.28, Animal Husbandry, Dairying and Fisheries department dated 05.02.2007. The same was forwarded to the 3rd respondent for issuing notification. By order dated 14.06.2017 in W.M.P.No.6999 of 2017 in W.P.No.6481 of 2017, this Court had directed that only four vacancies should be filled up for the post of Assistant Director of Fisheries by direct recruitment. On the basis of this order, two more individuals joined. While posting orders dated 03.11.2017, seven candidates did not join and expressed their unwillingness. By G.O.Ms.No.120, Animal Husbandry, Dairying and Fisheries (Fs-2) Department dated 21.06.2018, a supplementary list was issued by the Government including six candidates.



WP No.1367 of 2022

Out of the same, 4 candidates joined the post of Assistant Director of Fisheries by direct recruitment and two candidates did not join. The same was informed to the Government requesting substitutes. Thereafter, a supplement list was issued by the Government including three candidates. Two candidates joined the post of Assistant Director of Fisheries by direct recruitment and one candidate, Mary Lini did not join. Her name was therefore removed from the approved list of candidates. The 3rd respondent had stated that there was no candidate available in the reserved list for the said post and in the place of R.Mary Lini. The 3rd respondent therefore requested to include the said vacancy for the future estimate. Accordingly, the said vacancy was included in the estimate of vacancies for the post of Assistant Director of Fisheries for the panel year 2021-2022. Therefore, the respondents sought for dismissal of the writ petition.

12. The 3rd respondent has filed a counter in which they have captured the grievance of the petitioner as follows:

“5. It is respectfully submitted that at the outset on perusal of the affidavit filed by the petitioner, it has been clearly revealed that the petitioner had misunderstood with regard to the communal category



of another candidate namely Tmt.R.Mary Lini as SC(A) (W) category. But actually Tmt.R.Mary Lini belongs to BC (OBCM) category. Hence, the prayer of the petitioner is highly unwarranted. Therefore, the above writ petition may be dismissed with cost as the petitioner has not come with clean hand.”

The 3rd respondent sought for the dismissal of the suit.

12. Heard the learned counsels on both sides and perused the materials available on record.

13. As rightly pointed out by the 3rd respondent, the petitioner was under the mistaken impression that Mary Lini belonged to the SC(A)(W) category and that, since she had expressed her unwillingness, the post had fallen vacant and the petitioner could be moved to that list as per the notification. However, the said Mary Lini belonged to the BC (OBCM) category, whereas the petitioner belonged to the SC(A) category and was a male. The e-mail relied upon by the petitioner had been issued on the presumption that the petitioner was a female. Therefore, this is a case of a comedy of errors. Further, the petitioner has only obtained 225 marks,



WP No.1367 of 2022

whereas the person selected under the category SC(A)(W) category had scored 255 marks. Therefore, the petitioner had not reached the zone of selection. However, he was placed first in the reserved list under the SC(A)(W) category as a substitute, since no SC(A)(W) candidates were available in the rank list. Hence, he cannot be appointed in the place of Mary Lini, who belonged to the BC community category. Therefore, the petitioner's representation cannot be considered and consequently, the issuance of a writ of mandamus to consider the representation would be futile. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.12.2025

Index : Yes/No
Speaking Order : Yes / No

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WP No.1367 of 2022

To

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Office of Directorate of Fisheries,
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WP No.1367 of 2022

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