



W.P.No.33275 of 2023 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.11.2025

PRONOUNCED ON : 28.11.2025

CORAM:

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

W.P.Nos.33275, 34520, 34608 of 2023,

5948 of 2024 & 43928 of 2025

and

W.M.P.Nos.33024, 33026, 34433, 34434, 34544, 34545, 34546 of 2023 &

6601, 6602 of 2024

W.P.No.33275 of 2023 :-

1. P.Adhipathi
2. S.Sinduja
3. R.Kalaiselvi
4. A.Leelavathi
5. K.Theertharaman
6. U.Ulagusundaram
7. M.Deepa
8. M.Suruthi
9. M.Munirathinam
10. M.Neelagandan

... Petitioners

Vs.

1. The State of Tamil Nadu rep. by
Its Principal Secretary cum Agricultural



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Production Commissioner,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director of Agriculture,
Chepauk, Chennai – 600 005.



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3. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, Broadway,
Chennai – 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare the notification issued by the third respondent in Notification No.1/2023 dated 12.01.2023 and Notification No.18/2023 dated 05.05.2023 insofar as call for the direct recruitment for the post of Assistant Director of Agriculture (Extension) as null & void and further direct the first respondent to appoint the vacancy of the post Assistant Director of Agriculture (Extension) only by way of promotion by promoting the eligible candidates from the Agricultural Officers.

For Petitioners : Mr.Balan Haridass
For Mr.S.Parthasarathi

For Respondents

For R1 & R2 : Mr.M.Suresh Kumar
Additional Advocate General
Assisted by Mr.T.M.Rajangam
Government Advocate

For R3 : Mr.I.Abrar md. Abdullah
Standing Counsel

COMMON ORDER



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The Writ Petitions in W.P.Nos.33275, 34520, 34608 of 2023 and

5948 of 2024 have been filed challenging the notification issued by the third respondent dated 12.01.2023 & 05.05.2023, thereby inviting application for the direct recruitment to the post of Assistant Director of Agriculture (Extension) and to direct the first respondent to make appointment to the vacancies in the post Assistant Director of Agriculture (Extension) only by way of promotion by promoting the eligible candidates from the Agricultural Officers.

2. The Writ Petition in W.P.No.43928 of 2025 has been filed for direction directing the third respondent to conduct the oral test for the post of Assistant Director of Agriculture (Extension) pursuant to the advertisement dated 12.01.2023 & 05.05.2023, to fill up the post of Assistant Director of Agriculture (Extension) by direct recruitment.

3. The third respondent issued notification bearing No.1 of 2023



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dated 12.01.2023, thereby inviting application from the eligible candidates

for direct recruitment for the post of 8 Assistant Director of Agriculture

(Extension) (hereinafter referred to as “ADA”) in the department of

agriculture. As per the said notification, for the eight posts, the distribution of

vacancies as per the communal reservation were as follows :-

Assistant Director of Agriculture (Extension)

Regular Vacancies : 8

GT(G)	1
GT(W)	1
BC(G)	1
BC(W)	1
MBC/DC(G)	1
MBC/DC(W)	1
SC(G)	1
SC(A)(W)(PSTM)	1
Total	8

Abbreviations:- GT- General Turn; BC(OBCM) – Backward class (other than

Backward Class Muslims); BCM – Backward Class Muslims; MBC/DC –

Most Backward Class/De-notified Community; SC- Scheduled Caste; SC(A)



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– Scheduled Caste Arunthathiar; ST- Scheduled Tribes; G- General; W-

Women; PSTM – Persons Studied in Tamil Medium; HI – Hearing Impaired;

HH – Hard of Hearing; LV- Low Vision; LD – Locomotor disability; L –

Leprosy cured; DF – Dwarfism; AC – Acid attack victims.

4. The first petitioner in W.P.No.34608 of 2023 comes under the Backward Class Muslim category (BCM) and the second petitioner in W.P.No.34608 of 2023 comes under Scheduled Caste Women category (SCW). Insofar as BC category is concerned 2 vacancies were earmarked in which, one was BC general and another one was BC women. Insofar as the Schedule Caste is concerned two vacancies were earmarked viz., Schedule Caste General and Schedule Caste Arunthathiar Women, who had Tamil as the medium of education. Therefore, there was no vacancies available under the petitioners' category in W.P.No.34608 of 2023.

5. Thereafter, the third respondent issued another Notification



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No.1B/2023 dated 05.05.2023 thereby including 12 additional vacancies for

the post of ADA as per the request of the appointing authority. Accordingly,

for the increased vacancies for the post of 20 ADA they issued revised

distribution of vacancies as follows:

Assistant Director of Agriculture (Extension) : 20

GT(G)	2
GT (G) (PSTM)	1
GT (W)	2
BC (G)	3
BC (G) (PSTM)	1
BC (W)	2
BC (M)(G)	1
MBC/DC (G)	2
MBC/DC (G) (PSTM)	1
MBC/DC(W)	1
SC (G)	2
SC (W)	1
SC (A)(W)(PSTM)	1
Total	20

However, the third respondent did not extend the time for submitting



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application. As per the notification dated 12.01.2023, the last date for submission of application through on-line mode for the post of ADA was 10.02.2023 and the written examination was to be conducted on 21.05.2023 for the post of ADA.

6. The learned Senior Counsel and the learned counsel appearing for the petitioners in W.P.Nos.33275, 34520, 34608 of 2023 and 5948 of 2024, submitted that the notifications were challenged by the petitioners on two grounds. The first one is that there was no specific communal reservation for the category of the petitioners in the notification dated 12.01.2023 whereas, in the subsequent amended notification dated 05.05.2023, the vacancies were increased and other categories were added. However, under the general category, there was only one vacancy as per the earlier notification. Therefore, particular category persons did not apply for the post of ADA as per the first notification dated 12.01.2023, since they thought that they would not have the possibility to get appointment through selection



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process. When the second notification was issued on 05.05.2023 by

increasing the number of vacancies, the third respondent ought to have given time to all the categories of persons to apply for the post of ADA by extending time for submitting application. As per the first notification dated 12.01.2023, the last date for submitting application was 10.02.2023. Therefore, the other category persons like the petitioners in W.P.No.34608 of 2023 were denied of the opportunity to apply for the said post.

7. Secondly, the other petitioners who are already working in the agricultural department as Agriculture Officer/Seed Inspectors were not considered for the post of ADA by promotion. The mode of appointment for the post of ADA is through direct recruitment and by promotion in the ratio of 1:5. The qualification under the direct recruitment is that a degree of M.Sc., in Agricultural Extension or Agricultural Economics. The qualification for the post of ADA under the category of promotion is that they must have service at Agricultural Officer (Extension) for a period of not less than three



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years and must pass in Account test for executive officers, departmental test for officers of Tamil Nadu Agricultural Department and District Office Manual Test.

8. Therefore, the post of Agricultural Officer is the feeder category for the promotion to the post of ADA. The first post has to be filled up by direct recruitment and the remaining five posts have to be filled up by promotion. The persons who have minimum three years service in the post of Agricultural Officer are eligible for promotion to the post of ADA under the promotion category. However even after completion of service for the period of more than ten years, they are not able to see the light of the promotion. Therefore, if the vacancies are filled up by direct recruitment after the period of several years, the promotees cannot see the light of promotion. Therefore, the notification issued for direct recruitment for the post of ADA cannot be sustained since the post of ADA has to be filled from the promotees. As far as the first level promotion post is concerned, the vacancies are filled only by



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way of promotion alone. If the vacancies in the first level promotion post is filled by direct recruitment, the incumbents of the entry cadre cannot see the light of promotion.

9. While pending the Writ Petitions, some of the candidates, who were selected in the written examination and in interview, implieded themselves as respondents. The learned counsel appearing for the implieded respondents submitted that after having been selected to the post of ADA, now the very notification itself cannot be declared as null and void. They cannot write the examination one more time.

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

11. On perusal of the Counter and on the submission made by the learned Additional Advocate General, it is revealed that initially the



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Government of Tamil Nadu passed an order in G.O.Ms.No.111 Agricultural

(AAV) Department dated 21.01.1981, stating that the post of ADA has been filled up by direct recruitment and also by promotion from the post of Agricultural Officer in 1:3 ratio. Subsequently, the government passed order in G.O.Ms.No.17 Agricultural (AA1) Department dated 25.01.2000, thereby amending the Special Rules for the appointment to the post of ADA in the ratio of 1:5 between direct recruitment and recruitment by promotion. The educational qualification shall be M.Sc., degree in Agriculture Extension or Agriculture Economics.

12. Accordingly notifications were issued to fill up the post of ADA in the ratio of 1:5 through direct recruitment and by promotion. For the year 2021-22 & 2022-23, 40 & 61 posts were filled up by promotion vide the Government Orders in G.O.Ms.Nos. 04 & 05 Agri-Farmer Welfare (AA1) Department dated 04.01.2024. As per the special rules viz., 1:5 ratio 40 & 61 posts were filled up by promotion. Insofar as the direct recruitment is



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concerned 8 & 12 totally 20 posts were apportioned by the notifications dated 12.01.2023 & 05.05.2023. Therefore, this Court finds no infirmity or illegality in following the appointment for the post of ADA viz., 1:5 ratio between direct recruitment and promotion.

13. As per the notification dated 12.01.2023, eight vacancies were shown for the post of ADA and the same were to be filled by certain categories of reservation. As per the first notification the last date for submitting the application was 10.02.2023. Thereafter the amended notification was issued on 05.05.2023 vide Notification No.1B/2023 thereby increasing the vacancies from 8 to 20 for the post of ADA. The 20 posts of ADA were filled as per the category as mentioned in the said notification.

14. Admittedly, certain categories were not notified as per the first notification as per the communal rotation. While increasing the number of posts as per the second notification dated 05.05.2023, the other categories



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were also included as per the communal rotation. Therefore, the persons who belong to those newly included categories, who were not notified as per the earlier notification, are deprived from applying the post of ADA, even after subsequent notification dated 05.05.2023, since the last date for submitting the application was expired as on 10.02.2023 itself. Therefore, the third respondent, without extending time for submitting application, mechanically issued amended notification by simply increasing the number of vacancies for the post of ADA and by adding other categories as per the communal rotation. This Court finds infirmity and illegality in both the notifications issued by the third respondent.

15. Further, the candidates who benefit from an unconstitutional or illegal process do not acquire a vested right to their appointment because such an appointment would be invalid from the start. It has been settled by the Hon'ble Supreme Court of India in the case of *Amrit Yadav v. The State of Jharkhand and Others* reported in **2025 INSC 176**, that candidates do not



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accrue a right to defend a recruitment when the selection process itself was

illegal, unconstitutional or void ab initio, in fact, it was held that such candidates don't even have to be impleaded or be given an opportunity of being heard in such cases. The relevant portions for the above judgement are extracted hereunder :-

“35. Thus, it is clear that once the appointment process is declared to be a nullity in law, every action taken in furtherance of such appointment process is also illegal, and, therefore, the constitutional courts have jurisdiction to set aside such appointments wholly and ab-initio. This power of the Court is not curtailed even in a situation where a third-party right has been created in those who have been offered appointment or have even joined the service.

.....

37. It is, therefore, clear that a beneficiary of a back-door procedure cannot claim proper treatment as per law when they come at the receiving end.

38. In the present case, the appellant-employee, who had been appointed under the advertisement dated 29th July, 2010, does not have any right on the subject posts once it is concluded



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that the advertisement is itself void and is declared illegal and unconstitutional. The candidates' right to continue on such posts is contingent upon the legality of the advertisement and the recruitment process conducted in pursuance thereof.

39. At this juncture, before parting, we deem it fit to note that public employment is a duty entrusted by the Constitution of India with the State. Therefore, it becomes imperative that the rigours of Articles 14 and 16 are not ignored by the State in relation to the matter concerning public employment. Arbitrariness in public employment goes to the very root of the fundamental right to equality. While no person can claim a fundamental right to appointment, it does not mean that the State can be allowed to act in an arbitrary or capricious manner. The State is accountable to the public at large as well as the Constitution of India, which guarantees equal and fair treatment to each person. Public employment process thus, must always be fair, transparent, impartial and within the bounds of the Constitution of India. Every citizen has a fundamental right to be treated fairly and impartially, which is an appendage of right to equality under Article 14 of the Constitution of India. A violation of this guarantee is liable to judicial scrutiny as well as



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criticism.”

Therefore, the contentions of the learned counsels for the impleaded respondents cannot be considered as the selection process itself is liable to be quashed, as this Court finds both the impugned notifications dated 12.01.2023 and 05.05.2023 to be illegal for the simple that the persons belonging to the subsequently included categories were not awarded further time to apply for the posts and were denied opportunity to apply for the post of ADA.

16. In view of the above discussions, this Court is inclined to pass the following orders:-

(i) both the notifications in No.1 of 2023 dated 12.01.2023 & No.1B of 2023 dated 05.05.2023 are hereby quashed insofar as inviting application to fill up the 20 vacancies for the post of the Assistant Director of Agriculture (Extension) alone.

(ii) the respondents are directed to issue fresh notifications for inviting



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applications to fill up the post of the Assistant Director of Agriculture (Extension) for direct recruitment by strictly following the Special Rules for appointment of the Assistant Director of Agriculture (Extension) within a period of two weeks from the date of receipt of a copy of this Order and proceed with the selection process by conducting fresh examination and interview.

(iii) It is made clear that the respondents shall notify the present vacancies for the post of the Assistant Director of Agriculture (Extension) by following the ratio of 1:5 between direct recruitment and promotion.

(iv) In view of the quashment of both the notifications dated 12.01.2023 & 05.05.2023, the directions sought for in the Writ Petition in W.P.No.43928 of 2025 cannot be granted and the same is liable to be dismissed.

17. Accordingly, the Writ Petitions in W.P.Nos.33275, 34520, 34608 of 2023 and 5948 of 2024 stand allowed and W.P.No.43928 of 2025 stands



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dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

28.11.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

Note : Registry is directed to
incorporate cause title for all
the cases and issue order copy.

rts



WEB COPY



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G.K.ILANTHIRAIYAN. J.

rts

To

1. The Principal Secretary cum Agricultural
Production Commissioner,
State of Tamil Nadu,
Secretariat, 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.

Pre delivery Common Order in
W.P.Nos.33275, 34520, 34608 of 2023,
5948 of 2024 & 43928 of 2025



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