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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 23945 of 2022

AND

WP No. 27338 of 2021

S.Nandakumar

..Petitioner(s) in WP No. 23945 of 2022

B.Prabin Niresh

..Petitioner(s) in WP No. 27338 of 2021
Vs

1. Government of Tamil Nadu
Rep. by its Secretary, Agriculture
and Farmers Welfare (AA4)
Department, Fort St.George,
Chennai-600 009.
2. The Tamil Nadu Public Service
Commission
Rep. by its Secretary, Park Town,
TNPSC Road, V.O.C. Nagar,
Chennai-600 003.
3. The Director of Horticulture and
Plantation Crops
Rep. by its Director, 3rd Floor,
Agriculture Complex, Ezhilagam,
Chepauk, Chennai-600 005.
4. The Tamil Nadu Agriculture
University
Rep. by its Registrar, Lawley Road,
Coimbatore-641 003.
5. Annamala University
Rep by its Registrar, Annamalai
Nagar, Chidambaram-608 002.



6. R.Mohanraj
Reg. No. 2501002155, C/o.Tamil
Nadu Public Service Commission,
Park Town, TNPSC Road, V.O.C.
Nagar, Chennai-600 003.

..Respondent(s) in both Petitions

WP No. 23945 of 2022

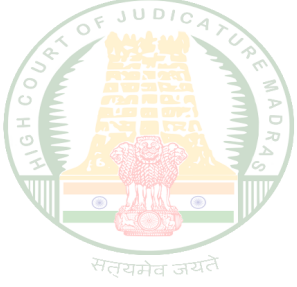
Writ Petition filed under Article 226 of the Constitution of India issuing writ of declaration to declare the GO (MS) No.26 dated 07.02.2022 giving effect retrospectively from 28.06.2019 and consequential direction to the 2nd respondent commission to consider and appoint qualified candidates in terms of Notification dated 05.02.2021.

WP No. 27338 of 2021

Writ Petition filed under Article 226 of the Constitution of India issuing writ of declaration to declare the selection order of the 2nd respondent for the post of Assistant Horticultural officer in the Tamil Nadu Horticultural Subordinate Service from 8.12.2021 to 10.12.2021 being contrary to Notification No. 02./2021 dated 05.02.2021 as null and void and consequential direct the 2nd respondent commission to consider and appoint qualified candidates in terms of Notification No. 02 / 2021 dated 5.2.2021.

In Writ Petitions

For Petitioner(s):	Mr.S.Rajesh
For Respondent(s):	Dr.R.Gouri Government Counsel for R1 & 3 Mr.B.Vijay Standing Counsel for TNPSC for R2 Mr.S.Manikandan for R4 Mr.S.Venkatesh for M/s.Ajmal Associates for R5 No appearance for R6



Common Order

(Order of the Court was made by S.M.Subramaniam J.)

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The present writ of declaration in W.P.No.23945 of 2022 has been instituted to declare G.O.Ms.No.26, Agriculture and Farmers Welfare (AA4) Department, dated 07.02.2022 giving effect retrospectively from 28.06.2019, and a consequential direction to consider the appointments of the qualified candidates in terms of notification dated 05.02.2021.

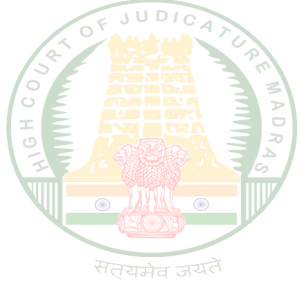
2. Recruitment notification came to be issued by TNPSC on 05.02.2021, inviting applications from the eligible candidates through online mode for direct recruitment to the post of Assistant Agricultural Officer in the Tamil Nadu Agriculture Extension Subordinate Service and Assistant Horticulture Officer in Tamil Nadu Horticultural Subordinate Services. The educational qualification fixed for the post of Assistant Agricultural Officer and Assistant Horticulture Officer is as under,

“(B) EDUCATIONAL QUALIFICATION: (as on 05.02.2021)

Applicants should possess the following or its equivalent qualification on the date of this notification.

FOR THE POST OF ASSISTANT AGRICULTURAL OFFICER:-

(i) Must have passed Higher Secondary (plus two)



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Examination.

(ii) Must possess two years Diploma in Agriculture from the Institutions recognized by the Government of Tamil Nadu or affiliated with the Tamil Nadu Agricultural University; or Gandhigram Rural Institute, Dindigul District; or any other institutions under the control of the Commissioner of Agriculture.

Note:

1. Candidate who have not possessed the two year Diploma in Agriculture are not eligible for the post of Assistant Agricultural Officer even though they possess Higher Qualification.

2. Diploma in Agricultural Technology (3 Years Course) is not the prescribed Educational qualification as per the special rule for the Tamil Nadu Agricultural Extension Subordinate Service.

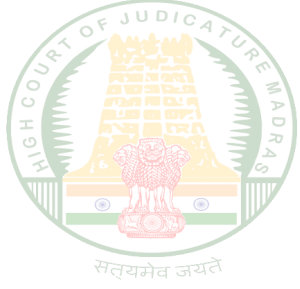
FOR THE POST OF ASSISTANT HORTICULTURAL OFFICER:-

1) A Pass in Higher Secondary Examination and

A pass in the two years Diploma course in Horticulture in the Institutions approved by Tamil Nadu Agricultural University or Director of Horticulture and Plantation Crops or Gandhigram Rural University.

Note:-

1. Degree Holders in Horticulture are not eligible for



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the post of Assistant Horticultural Officer

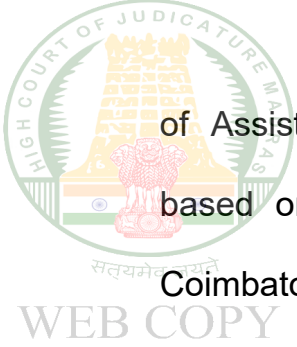
2. Two Years Diploma in Agriculture and One Year Post Diploma Commercial Horticulture are not eligible for this post.

Note:

(i) The educational qualification prescribed for this post should have been obtained by passing the required qualification in the order of studies viz. 10th + HSC + Diploma Course(10+2+2). The results of examination should have been declared on or before the date of Notification.

(ii) Applicants claiming equivalence of qualification to the prescribed qualification should upload and submit evidence for equivalence of qualification in the form of G.O. issued prior to the date of this notification when called for, failing which, their application will be summarily rejected. The G.Os regarding equivalence of qualification issued after the date of this notification will not be accepted for this recruitment.”

3. Candidates participated in the selection process, and it is not in dispute that selection list was notified and selected candidates were appointed and serving in the department. In respect of the candidates, who possessed Diploma qualification in Horticulture, awarded by Annamalai University submitted an application to the Government stating that Diploma certificate issued by Annamalai University also to be considered as recognised qualification to participate in the selection process for appointment to the post



of Assistant Horticulture Officer. Government considered their case, and based on the recommendation of the Tamil Nadu Agriculture University, Coimbatore, issued G.O.Ms.No.26, Agriculture and Farmers Welfare (AA4) Department, dated 07.02.2022, and consequently, Rule 5(b) of the Special Rules for Tamil Nadu Horticultural and Subordinate Service was amended as under,

“AMENDMENT

In the said Special Rules, in the Annexure referred to in sub-rule (b) of rule 5, for the entry "Director of Horticulture and Plantation Crops." in column (3), against the entry "Assistant Horticulture Officer." in column (1) and the entry "By Direct Recruitment" in column (2) thereof, the entry "Director of Horticulture and Plantation Crops or Diploma course in Horticulture awarded by the Annamalai University." shall be substituted."

4. Accordingly, candidates who possessed Diploma in Horticulture awarded by Annamalai University became eligible for selection to the post of Assistant Horticulture officer.

5. Learned counsel for the petitioner would mainly contend that Government order was given with retrospective effect, which is improper.

6. No doubt, the amendment was deemed to have come into force on and from 28th day of June, 2019. The reason for such retrospective effect is



that Diploma certificates were issued by Annamalai University even prior to the recruitment notification, and candidates who possessed the Diploma as on the date of notification alone is eligible to participate in the process of selection. Retrospective effect is given not to deprive the candidates from participating in the process of selection. Validity of degree or diploma can be granted by Government at any point of time. Once such a degree is validated, such validation is given from the issuance of the degree by the University is concerned and not from the date of the Government order.

7. In the present case, the candidates have already participated in the selection process. Considering that a Diploma in Horticulture is valid for appointment to the post of Assistant Horticulture Officer, the Special Rules were amended vide G.O.Ms. No. 26. Thus, the amendment made retrospectively cannot be held to be infirm.

8. That apart, process of selection was concluded in all respects and selected candidates were appointed. Petitioners were not selected, as they were not within the zone of consideration. For all these reasons, this Court does not find any merit in the contention of the petitioners. Accordingly, the W.P.No.23945 of 2022 stands dismissed.



9. In view of the order passed in W.P.No.23945 of 2022, and considering the fact that Special Rules was amended with retrospective effect, the relief sought in W.P.No.27338 of 2021 deserves no further consideration. Accordingly, the W.P.No.27338 of 2021 stands dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

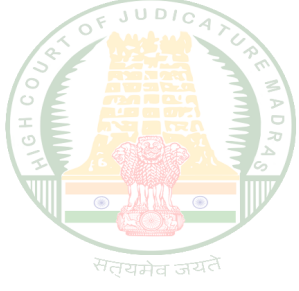
(S.M.S.,J.) (N.S.,J.)
22-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

To

1. Government of Tamil Nadu
Rep by its Secretary, Namakkal Kavignar
Maaligai, Fort St. George, Chennai - 9.
2. The Tamil nadu Public Service Commission
Rep by its Secretary, Park Town, TNPSC
Road, V. O. C. Nagar, Chennai - 3.
3. The Director of Horticulture and Plantation
Crops
Rep by its Director, 3rd Floor, Agriculture
Complex, Ezhilagam, Chepauk, Chennai - 5.
4. The Tamil Nadu Agriculture University
Rep by its Registrar, Lawley Road, Coimbatore
- 3.
5. Annamalai University
Rep by its Registrar, Annamalai Nagar,
Chidambaram - 2.
6. R. Mohanraj
Reg. No. 2501002155, C/o. Tamil Nadu Public
Service Commission, Park Town, V. O. C.
Nagar, Chennai - 3.



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WP No. 23945 of 2



**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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**WP No. 23945 of 2022
AND
WP NO. 27338 OF 2021**

**22-06-2026
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