

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.07.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.20205 of 2016

Dr.S.Nalini

... Petitioner

Vs.

1. The Secretary to Government,
Animal Husbandry,
Dairying and Fisheries Department,
Secretariat, Chennai-600 009.

2. The Director of Animal
Husbandry and Veterinary Service,
Central Office Building Block-II,
Chennai-600 006.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus to direct the first respondent to dispose of the petitioner's representation dated 20.04.2016 and to consider and pass such further or other orders.

For Petitioner

..

Mr.S.Parthasarathy

For Respondents

..

Mr.K.Rajendra Prasad, G.P.

O R D E R

The petitioner was selected for appointment to the post of Junior Veterinary Assistant Surgeon for the year 2009 through the Tamil Nadu Public Service Commission dated 06.01.2010. Pursuant to the said selection, the Commissioner of Animal Husbandry and Veterinary Service, Chennai-6 has issued an order dated 15.02.2010 thereby appointing the petitioner as Veterinary Assistant Surgeon at Munnaval Kottai in Thiruvavarur District. The petitioner could not join the duty at Munnavalkottai in Thiruvavarur District, due to her health grounds, i.e. test tube baby treatment. Thereafter, the petitioner got appointment order on 17.05.2012 under general Rule 10 (a) (i) as Veterinary Assistant Surgeon at Veterinary Dispensary at Bala Samudram, Palani Taluk, Dindigul District and she joined duty on 25.5.2012.

2. The contention of the learned counsel for the petitioner is

as per the Special Government Order in G.O.(2D) No.42, Animal Husbandry Dairying and Fisheries (A.H.7) Department, dated 28.05.2013, the candidates already sponsored by TNPSC from the reserved list as Junior Veterinary Assistant Surgeon for the year 2009 has to be approved and revised appointment order has to be issued in respect of the candidates of reserved list who were already appointed under Rule 10(a)(i) Service. As per the said G.O. the first respondent has regularized the services of 117 members those who have been selected by the TNPSC in the year 2009. But the petitioner's service has not been regularized so far. The petitioner has given a representation to the first respondent on 20.04.2016, seeking regularization of her services as per the G.O. 42 dated 28.05.2013. Since the petitioner's representation is not yet disposed of by the first respondent, the petitioner has come up with the present writ petition.

3. Today, when the matter is taken up, the learned Government Pleader has produced a copy of the order dated 22.6.2016 issued by the second respondent. Wherein the second respondent has rejected the representation of the petitioner dated 20.04.2016 on the ground that though the petitioner was given 15 days time to join duty in the post of Junior Veterinary Assistant Surgeon for the year 2009 and since she did not join duty within the time granted by the second respondent, her name was removed from the list of selected candidates for the post of Junior Veterinary Assistant Surgeon for the year 2009. According to the learned Government Pleader, a copy of the said order has been served on the petitioner as early as on 1.7.2016 itself and the learned Government Pleader was also granted a copy of the order.

4. From the above facts, it is very clear that the relief sought for in the writ petition has become infructuous. Accordingly, the writ petition is closed as infructuous. However, the petitioner is at liberty challenge the said order if she so aggrieved. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

gr.

To

1. The Secretary to Government,
Animal Husbandry,
Dairying and Fisheries Department,
Secretariat, Chennai-600 009.

2. The Director of Animal
Husbandry and Veterinary Service,
Central Office Building Block-II,
Chennai-600 006.

+1cc to M/S S.Parthasarathy, Advocate Sr.38635
+1cc to Government Pleader Sr.38967

W.P.No.20205 of 2016

CA(CO)
RVR 05/08/2016



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