

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35646 of 2016

Dr.Johnsi Koruth

... Petitioner

vs.

1. The State Government of Tamil Nadu,
rep. by its Secretary,
Animal Husbandry, Dairy and Fisheries (AH7)
Department,
Fort St. George, Chennai.
2. The Director,
Animal Husbandry and Veterinary Services,
Central Offices Building,
D.M.S. Complex,
Anna Salai, Chennai 600 006.
3. The Director,
Institute of Veterinary Preventive Medicine,
Ranipet,
Vellore District.
4. The Registrar,
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram,
Chennai 600 051.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the 2nd respondent to forward the application for admission to Ph.D. Degree (Animal Biotechnology) to the Committee headed by the 1st respondent for sponsoring the petitioner to the Ph.D. Degree Course (Animal Biotechnology) with full pay and allowance for the academic year 2016-2017 in Tamil Nadu Veterinary and Animal Sciences University by giving relaxation to the petitioner in the light of G.O.Ms.No.154, dated 04.04.2016 (Animal Husbandry, Dairies and Fisheries Department).

For Petitioner : Mr.G.Rajan

For R1 to R3 : Mr.K.Dhananjayan,
Special Government Pleader

For R4 : Mr.V.Gangatharan

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 2nd respondent to forward the application for admission to Ph.D. Degree (Animal Biotechnology) to the Committee headed by the 1st respondent for sponsoring him to the Ph.D. Degree Course (Animal Biotechnology) with full pay and allowance for the academic year 2016-2017 in Tamil Nadu Veterinary and Animal Sciences University by giving relaxation to him in the light of G.O.Ms.No.154, dated 04.04.2016 (Animal Husbandry, Dairies and Fisheries Department).

2. According to the petitioner, he completed B.V.Sc. course from Madras Veterinary College, Tamil Nadu Agricultural University in the year 1987. Thereafter, he applied for the post of 'Veterinary Assistant Surgeon' through TNPSC in the 3rd respondent Department and was selected on merits and given appointment to the post of Veterinary Assistant Surgeon on 08.10.1990. Thereafter, his post was re-designated as Research Assistant and he was continuing in the said post in the 3rd respondent Department. During the course of time, he completed Post Graduate course viz. Master of Veterinary Sciences from the 4th respondent University at loss of pay. After acquiring his Master Degree course in the year 1998, he continued to work as Research Assistant till 2007.

3. In the year 2007, the petitioner was promoted to the post of Assistant Research Officer based on his service experience along with educational qualification prescribed for the said post viz. M.V.Sc. Thereafter, he was promoted to the post of Research Officer in the year 2014 by the 3rd respondent and he is continuing in the said post till date.

4. The petitioner completed Master of Veterinary Sciences long back in the year 1998. Due to the policy of the respondents during 1998 to 2014, not to sponsor candidates for higher studies viz. Ph.D. course, he could not pursue and complete Ph.D. course earlier. The policy decision of the Government has undergone change only in the year 2014 vide G.O.Ms.No.161, dated 12.08.2014. Since the petitioner is interested to pursue Ph.D. in Animal Biotechnology, he filed his application expressing his desire and intention to join Ph.D. Animal Biotechnology for the academic year 2016-17 in the 4th respondent University and made a representation to the 3rd respondent on 16.08.2016 to forward the same to the 1st

respondent to give appropriate exemption for the five year service rule on par with the exemption granted to the candidates for the year 2015-16 in G.O.Ms.No.154. Instead of forwarding the representation to the Secretary, the 3rd respondent returned the application on 17.08.2016 citing that the petitioner did not possess the minimum period of five years service after the completion of Ph.D. course.

5. It is the case of the petitioner that the 3rd respondent ought to have forwarded the representation to the Committee instead of returning the same on his own and that the Committee has got jurisdiction to consider the representation of the petitioner. Granting or refusal of exemption of five years rule has to be ultimately passed by virtue of the Government Order after the decision taken by the Committee. Hence, the petitioner claims that he is entitled to be considered and sponsored for continuing his Ph.D. in the 4th respondent University by virtue of G.O.Ms.No.161, dated 12.08.2014 and G.O.Ms.No.154, dated 04.04.2016 with full pay and allowances.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the petitioner is prepared to give a fresh representation to the respondents and it would suffice if the same is directed to be considered by the respondents.

8. In view of the above, without expressing any opinion on the merits of the case, the petitioner is directed to send a fresh representation to the respondents in respect of his claim along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of six weeks, thereafter.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.No.30637 of 2016 is closed.

Sd/-

Asst.Registrar (CS CCC)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary,
State Government of Tamil Nadu,
Animal Husbandry, Dairy and Fisheries (AH7)
Department,
Fort St. George, Chennai.
2. The Director,
Animal Husbandry and Veterinary Services,
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4. The Registrar,
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram,
Chennai 600 051.

+1 cc to Mr.G.Rajan,advocate,sr.67815

+1 cc to Mr.V.Gangathanran,advocate,sr.67725

+1 cc to Government pleader,sr.68368.

ssk(co)
krd 28/11

W.P.No.35646 of 2016

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