

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.12.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.4440 of 2014

&

W.M.P.No.1 of 2014

Dr.S.Prabakaran
Veterinary Assistant Surgeon,
Office of Venterinary Dispensary,
Meenakshipuram,
Virudhunagar District.

... Petitioner

-Versus-

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to government,
Department of Animal Husbandry,
Dairying & Fisheries,
Secretariat, Chennai 600009.
- 2.The Director,
Animal Husbandry & Veterinary Services,
Chennai 600006.
- 3.The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
VOC Nagar, Park Town,
Chennai 600003.
- 4.The District Collector,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to the memorandum No.1311/OTD-A4/2009 dated 02.08.2011 and the consequential proceedings of the 2nd respondent dated 11.08.2011 in Na.Ka.No.35675/M2/2011 and Roc.No.26050/M2/2013 dated 01.08.2013 and to quash the same to the limited extent of declaration therein that the appointment of the petitioner to the post of Junior Veterinary Assistant Surgeon subsequently upgraded as Veterinary Assistant Surgeon as temporary and conditional and for a consequential direction to the respondents

to declare that the petitioner is deemed to have been regularly appointed to the post of Junior Veterinary Assistant Surgeon (subsequently upgraded as Veterinary Assistant Surgeon) on the date of joining of the petitioner's immediate junior with reference to the rank assigned by the Tamil Nadu Public Service Commission, for all purposes and to regularize the services in the post of Veterinary Assistant Surgeon and to declare his probation on part with his immediate junior and to grant him all consequential service and monetary benefits to the petitioner, within a limited time frame to be fixed by this court.

For Petitioner : Mr.M.Ravi

For Respondents : Ms.C.N.G.Niraimathi,
Standing Counsel for R3
Mr.R.Govindasamy, Spl.
G.P. for R1, R2 & R4

ORDER

This writ petition challenges the validity of the memorandum of the 3rd respondent dated 02.08.2011 in Memorandum No.1311/OTD-A4/2009 and the consequential proceedings of the 2nd respondent dated 11.08.2011 in Na.Ka.No.35675/M2/2011 and Roc.No.26050/M2/2013 dated 01.08.2013 in respect of declaration that the appointment of the petitioner to the post of Junior Veterinary Assistant Surgeon subsequently upgraded as Veterinary Assistant Surgeon as temporary and conditional and for a consequential direction to the respondents to declare that the petitioner is deemed to have been regularly appointed to the post of Junior Veterinary Assistant Surgeon (subsequently upgraded as Veterinary Assistant Surgeon) on the date of joining of the petitioner's immediate junior with reference to the rank assigned by the Tamil Nadu Public Service Commission, for all purposes and to regularize the services of the petitioner in the post of Veterinary Assistant Surgeon and to declare his probation on part with his immediate junior and to grant him all consequential service and monetary benefits to him.

2. According to the petitioner, he belongs to a Scheduled Caste (SC) community and pursuant to the notification issued by the respondent commission inviting applications to the post of Junior Veterinary Assistant, he had applied for the post. Though he was selected in the competitive examination conducted by the respondent Commission under the reserved category, his result was withheld on the ground that genuineness of his community certificate had to be verified. In the said circumstances, earlier, the petitioner had approached this court by way of writ petition in W.P.No.11914 of 2014 challenging the order of the respondent commission withholding his selection and a Division

Bench of this court, by way of an interim order dated 14.06.2011, directed the respondents therein to declare the selection of the petitioner for the post of Veterinary Assistant Surgeon in the event he has been already selected and forward the same to the Government for appointment forthwith. Pursuant to the interim directions of this court, the result of the petitioner was declared and he has been appointed as Junior Veterinary Assistant. Subsequently, the main writ petition itself was closed on 18.11.2011 holding that the appointment of the petitioner shall be subject to the verification of the community certificate by the competent committee. According to the petitioner, though he was appointed as Junior Veterinary Assistant pursuant to the interim direction of this court, his services were not regularized on the ground certificate sent for the verification of the genuineness of the community certificate of the petitioner was pending with the committee concerned. Hence, this petition.

3. The 3rd respondent has filed his counter affidavit. Today, when the matter came up for hearing, on instructions, the learned Additional Government Pleader submitted that the petitioner's community certificate had been verified by the District Level Scrutiny Committee and it was found that the certificate of the petitioner was genuine. Based on the report, the respondent commission had also by its letter No.890/OTD-H2/2010 dated 11.10.2018 directed, the Commissioner of Animal Husbandry and Veterinary Services, to regularize the services of the petitioner, if he is otherwise eligible for the same. The learned standing counsel for the respondent Commission has also produced a copy of the letter addressed to the Commissioner of Animal Husbandry and Veterinary Services.

4. Since the community certificate of the petitioner had been found to be genuine and the respondent Commission had already requested the respondents 1 and 2 to regularize the services of the petitioner, this court directs the respondents 1 and 2 to pass suitable orders regularizing the services of the petitioner based on the communication from the 3rd respondent Commission, if he is otherwise eligible for the same.

5. In the result, this writ petition is disposed of accordingly with the above directions. No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Secretary to government, Department of Animal Husbandry,
Dairying & Fisheries,Secretariat, Chennai 600009.

2.The Director,Animal Husbandry & Veterinary Services,Chennai-6.

3.The Secretary, Tamil Nadu Public Service Commission,
VOC Nagar, Park Town, Chennai 600003.

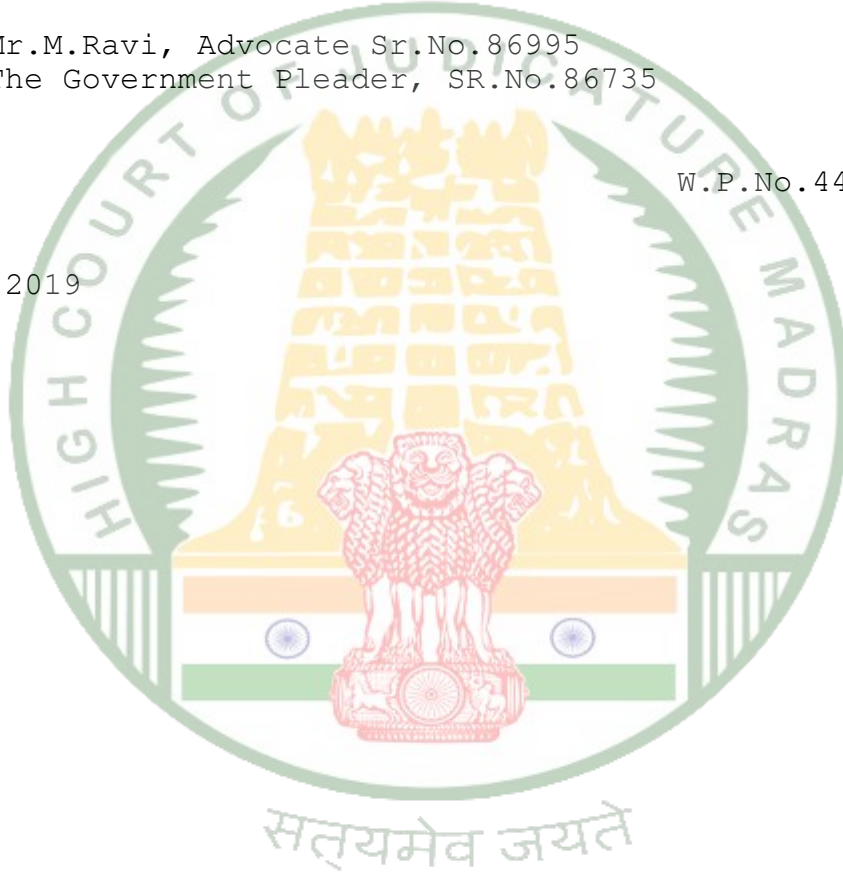
4.The District Collector, Salem District.

+1 cc to Mr.M.Ravi, Advocate Sr.No.86995

+1 cc to The Government Pleader, SR.No.86735

W.P.No.4440 of 2014

RGN(CO)
CSL/26.02.2019



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