

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 16-12-2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34562 OF 2019

Dr.K.V.Ananthakumar

...Petitioner

-vs-

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Animal Husbandry Department,
Fort St.George, Chennai-600 009.

2. Tamil Nadu Public Service Commission,
rep.by its Secretary,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai-600 003.

... Respondents

Petition under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorari, to call for the
records of the second respondent relating to Clause 4 (B) (b) of
the Advertisement No.562 and Notification No.32/2019, dated
18.11.2019, and quash the same.

For Petitioner : Mr.T.Gowthaman

For Respondent 1 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader.

For Respondent 2 : Mr.M.Devendran

ORDER

This Writ Petition has been filed, challenging Clause (4)
(B) (b) of the Notification issued by the second respondent on
18.11.2019, wherein, the Clause provides for a qualification to
the effect that a candidate must have passed Tamil as one of the
languages in Higher Secondary Public Examination or its
equivalent.

2. The grievance of the petitioner is that it is a new
qualification that has been brought in for the first time by
Tamil Nadu Public Service Commission (TNPSC) in the Notification

and the said Notification has absolutely no nexus to the object sought to be achieved and, therefore, it is arbitrary and requires interference of this Court.

3. Learned Standing Counsel appearing on behalf of the second respondent - TNPSC submitted that the Notification has been issued in line with the Special Rules for the Tamil Nadu Animal Husbandry Service, which were amended by G.O.Ms.No.218, dated 26.11.2015; by virtue of the said Government Order, Rule 6 of the Special Rules for the Tamil Nadu Animal Husbandry Service was amended to the effect that a candidate must have passed Tamil as one of the languages in Higher Secondary Public Examination or its equivalent; the said Government Order was passed in the year 2015 and, pursuant to the same, the Special Rules have been amended and, therefore, TNPSC will have to necessarily provide this qualification for selection to the post of Veterinary Assistant Surgeon. The learned counsel further submitted that the petitioner, without even challenging the Government Order and the Amendment to the Special Rules, cannot challenge a consequential Notification, that has been issued by TNPSC and, accordingly, he sought for dismissal of the Writ Petition.

4. This Court has carefully considered the submissions made by the learned counsel on either side and also the material available on record.

5. The sum and substance of the submissions made by the learned counsel for the petitioner is that the condition that has been provided in Clause (4) (B) (b) in the Notification is arbitrary and it has no nexus to the object sought to be achieved. The learned counsel submitted that the petitioner had completed 12th Standard by having Sanskrit as second language. According to him, Section 21 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, provides for linguistic qualification and the condition that has been prescribed in the Notification goes against the language of the said provision.

6. The Tamil Nadu Public Service Commission has issued the Notification, based on the amendment made to the Special Rules for Tamil Nadu Animal Husbandry Service, pursuant to G.O.Ms.No.218, dated 26.11.2015. The said G.O. has been in force from the year 2015 onwards and the Notification issued by TNPSC is in line with it. The Notification issued by TNPSC cannot be interfered with, unless the Government Order and the consequential amendment to the Special Rules are challenged and set aside by this Court. Till that happens, it will not be possible to interfere with the Notification issued by TNPSC.

7. The issue as to why there is such a prescription to pass Tamil as one of the languages in Higher Secondary Public Examination and it is for the Government to come and answer before the Court. At this stage, this Court does not want to get into this issue and render a finding.

8. In the result, this Court does not find any ground to interfere with Clause (4) (B) (b) in the Notification issued by TNPSC and, accordingly, this Writ Petition is dismissed. If the petitioner is aggrieved by the Government Order and the consequent amendment to the Special Rules, it is always left open for him to challenge the same, if he is so advised. No costs. Consequently, the connected W.M.P.Nos.35271, 35272 and 35274 of 2019 are also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Principal Secretary,
The State of Tamil Nadu,
Animal Husbandry Department,
Fort St.George, Chennai-600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai-600 003.

+1cc to Mr.M.Devendran, Advocate, S.R.No.104735
+1cc to Mr.T.Gowthaman, Advocate, S.R.No.105392
+1cc to the Government Pleader, S.R.No.104886

W.P.No.34562 OF 2019

NRL (CO)
CS/24/01/2020