

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :17.12.2019
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.34969, 34971, 34973 and 34976 of 2019
and connected Miscellaneous Petitions

Dr.Nandini Devi ...Petitioner in WP 34969 of 2019
Dr.Kaviyarasi ...Petitioner in WP 34971 of 2019
Dr.P.Indhuja ...Petitioner in WP 34973 of 2019
Dr.Akshaya Devi ...Petitioner in WP 34976 of 2019

Vs.

1. State of Tamil Nadu,
Rep by its Secretary,
Animal Husbandry and Veterinary Department,
Secretariat, Chennai 600 009.
2. The Director,
Animal Husbandry and Veterinary Services,
Chennai 600 035.
3. The President,
Tamil Nadu State Veterinary Council,
Nandanam, Chennai.
4. The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
Park Town, Chennai 600 003.

... Respondents in all the petitions

Common Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the entire records connected with the impugned Advertisement No.562, Notification No.32/2019 dated 18.11.2019 issued by the fourth respondent quash the same for the Direct recruitment to the post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Services in so far as qualification clause in 4(B)(b) is concerned which fixes passing of Tamil as one of the languages in the Higher Secondary Public Examination as mandatory qualification.

For Petitioner : Mr.K.Thilageswaran
(in all the petitions)

For Respondent 1 to 3 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader.
(in WP 34969 & 34971/19)

For Respondent 1 to 3 : Mr.S.Suresh Kumar
Government Advocate.
(in WP 34973 & 34976/19)

For Respondent 4 : Mr.M.Devendran
(in all the Writ petitions)

C O M M O N O R D E R

These Writ Petitions have been filed, challenging Clause (4) (B) (b) of the Notification issued by the fourth 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 petitioners 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 fourth 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 petitioners, 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 Petitions.

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 petitioners 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 petitioners have completed 12th Standard by having a different second language. According to them, 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 interfered 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 is an issue for which the Government has 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, these Writ Petitions are dismissed. If the petitioners are aggrieved by the Government Order and the consequent amendment to the Special Rules, it is always left open for them to challenge the same, if so advised. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Govt.
Govt. of Tamil Nadu,
Animal Husbandry and Veterinary Department,
Secretariat, Chennai 600 009.
2. The Director,
Animal Husbandry and Veterinary Services,
Chennai 600 035.
3. The President,
Tamil Nadu State Veterinary Council,
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4. The Secretary,
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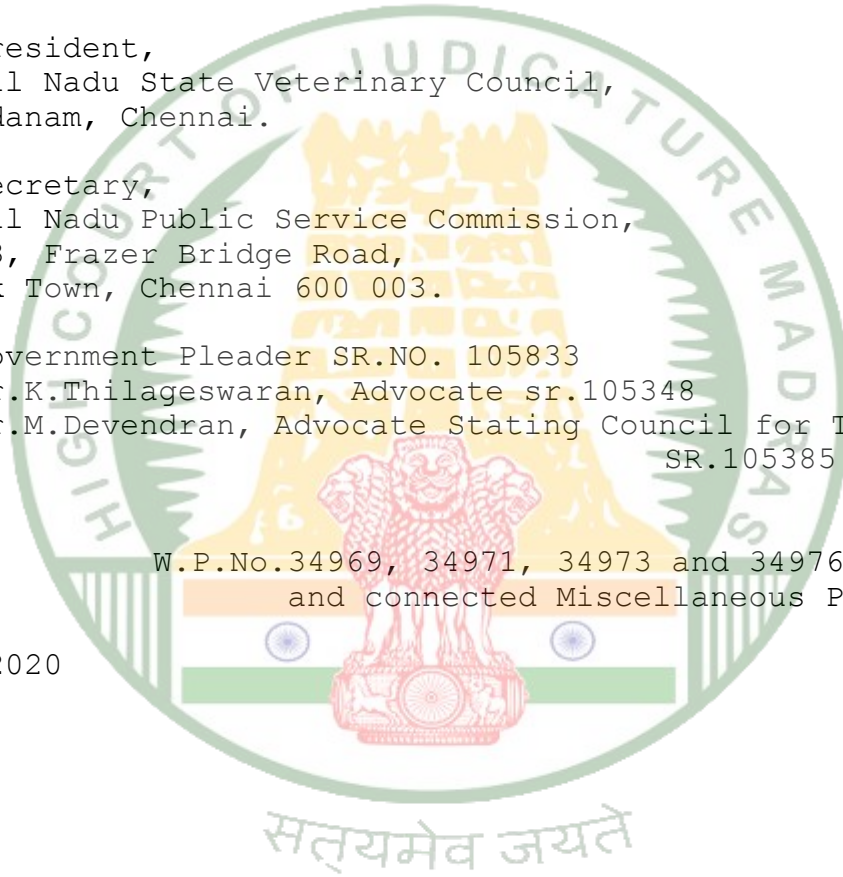
+1cc to Government Pleader SR.NO. 105833

+1cc to Mr.K.Thilageswaran, Advocate sr.105348

+1cc to Mr.M.Devendran, Advocate Stating Council for TNPSC
SR.105385

W.P.No.34969, 34971, 34973 and 34976 of 2019
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gmr (co)
nr 24/01/2020



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