



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos.21005 & 21007 of 2019

and

W.M.P(MD)Nos.17600 & 17602 of 2019

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Dr.M.Manikandan ... Petitioner in W.P(MD)No.21005/2019

Dr.T.Palanisamy ... Petitioner in W.P(MD)No.21007/2019

vs.

1.The Secretary to Government,
Animal Husbandry Dairying and
Fisheries Department,
Secretariat, Chennai - 9.

2.The Director of Animal Husbandry &
Veterinary Services,
O/o.The Director of Animal Husbandry &
Veterinary Services,
Central Office Buildings Block - II,
Chennai - 6.

3.The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai - 600 003. ... Respondents in both W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to regularize the petitioner's services with effect from the date of appointment as was granted in respect of the similarly placed persons by the second respondent vide his proceedings Roc.No.49852/M1/2015, dated 16.10.2018 within the period stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
(in both W.Ps') for M/s.Ajmal Associates

For R1 & R2 : Mr.VR.Shanmuganathan,
(in both W.Ps') Special Government Pleader
For R3 : Mr.D.Sivaraman

COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.



2.These Writ Petitions are filed seeking for Writ of Mandamus, to direct the second respondent to regularize the petitioners' services with effect from the date of appointment in respect of the similarly placed persons, by the second respondent, vide proceedings, dated 16.10.2018.

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3.Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.D.Sivaraman, learned counsel accepts notice on behalf of the third respondent.

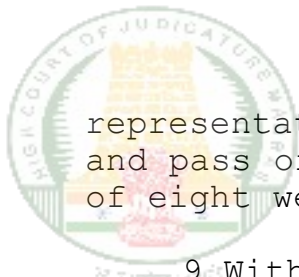
4.By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

5.According to the petitioners, they participated in the selection for appointment to the post of Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry and Veterinary Service. The petitioners participated in the written examination conducted on 31.05.2009 and they were called for interview. Though the petitioners secured qualifying marks, they were not called for interview, as they did not come within the zone of consideration. Subsequently, on 23.05.2012, the petitioners were appointed under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules as temporary Veterinary Assistant Surgeon through Employment Exchange. The second respondent, vide notification, dated 25.02.2009, regularized the services of 117 candidates and out of 117 candidates, 88 candidates are temporary appointees like that of the petitioners and 29 candidates were chosen from the reserved list. The petitioners gave a representation on 31.05.2019 to regularize their services as Veterinary Assistant Surgeon as that of similarly placed persons. Since no order has been passed on the said representations, the petitioners have come up with the present Writ Petitions.

6.Mr.D.Sivaraman, learned counsel appearing for the third respondent submitted that the petitioners have not given representations to the authority concerned and the petitioners may be directed to give representations to the authority concerned and the same will be considered on merits.

7.Though the larger relief is sought for in the Writ Petition, now the learned counsel appearing for the petitioners submitted that the petitioners will be satisfied if their representations are considered.

8.Considering the submissions made by the learned counsel appearing on either side, without going into the merits of the matter, the petitioners are directed to give fresh representations to the respondents within a period of two weeks from the date of receipt of a copy of this order and on such receipt of the said



representations, the respondents are directed to dispose of the same and pass orders on merits and in accordance with law within a period of eight weeks thereafter.

9. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Animal Husbandry Dairying and
Fisheries Department,
Secretariat, Chennai - 9.
2. The Director of Animal Husbandry &
Veterinary Services,
O/o. The Director of Animal Husbandry &
Veterinary Services,
Central Office Buildings Block - II,
Chennai - 6.
3. The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai - 600 003.

+2 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-90691[F] dated 01/10/2019)

+1 CC to SPL GP (SR-90874[F] dated 01/10/2019)

W. P (MD) Nos. 21005 & 21007 of 2019
30.09.2019

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