



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.07.2019

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.266 of 2015

and

M.P. (MD) .No.2 of 2015

A.Selvam

... Petitioner

-Vs-

1. The Secretary,
Department of Animal Husbandry and Fisheries (AH.I)
Fort St.George,
Secretariat,
Chennai-9.

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

3. The Director of Employment and Training
O/o.The Director of Employment and
Training, Guindy,
Chennai-32.

4. The District Employment Officer,
Virudhunagar District,
Virudhunagar.

5.Muthumathi K.

6.Vijayarani.P.

7.M.Vairam

8.Dhanalakshmi

9.P.Jeyalakshmi

10.Kalaiselvi.A.

11.Valli A.

12.Lakshminathan C.

13.Gokulakrishnan.D.

14.Jeyalakshmi.S.

15.Abirami, R.

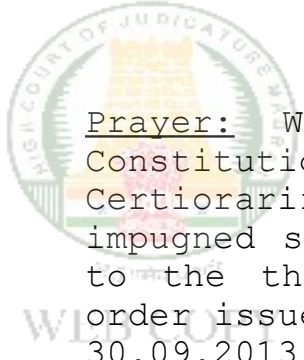
16.Pragalathan R.

17.Thirumaniselvi.C.

18.Jeyaganesan.K.

19.Karikalani

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned seniority list of the 4th respondent which was forwarded to the third respondent and consequential impugned appointment order issued by the 2nd respondent in Na.Ka.No.48751/E2/2012, dated 30.09.2013 and quash the same and consequently, direct the 4th respondent to prepare a fresh seniority list for the post of Livestock Inspector Grade-II based on the employment seniority maintained by him.

For Petitioner	: Mr.D.Saravanan
For R1 to R4	: Mr.S.Dhayalan, Government Advocate
For R5 to R14	: Mr.T.Lajapathi Roy
For R15	: No appearance

ORDER

This Writ Petition is filed for quashing the recruitment notification issued by the Director of Animal Husbandry and Veterinary Services, Chennai, on 14.08.2015, at the first instance as well as amended advertisement issued on 15.09.2015. In some of the Writ Petitions, very G.O.Ms.No.10, Animal Husbandry Dairying and Fisheries (AH.1) Department, dated 27.01.2012 is also under challenge.

2.G.O.Ms.No.10, Animal Husbandry Dairying and Fisheries (AH.1) Department, dated 27.01.2012 was issued to fill up the vacant posts of Livestock Inspector Grade-II. The Government Order contemplates that training should be provided to 350 persons in District Livestock farm of Hosur, Orathanad and Mukuntharayapuram.

3.The notification was issued initially on 14.08.2015 and the eligible qualification and age limit were also prescribed. Some candidates filed Writ Petitions and the matter went up to the Hon'ble Division Bench of this Court. The Hon'ble Division Bench of this Court permitted the respondents to conduct selection for appointment to the post of Livestock Inspector Grade-II. Accordingly, revised notification was issued with certain amendments on 15.09.2015. Based on the revised amended notification, the process of selection was concluded and the names are sponsored. The candidates were permitted to participate in the process of selection and accordingly, selection was concluded and the selected candidates were appointed. After completion of the probation period, they have been regularly posted as Livestock Inspector Grade-II.

<https://hcservices.ecourts.gov.in/hcservices/>

4.This Writ Petition is filed mainly on the ground that the



appointed candidates are over aged and the respondents have not verified the age limit even as per the notification and appointed the over aged persons and thereby committed an illegality in the matter of selection and appointment.

5. It is further stated that in certain cases, the respondents have not followed the procedures and in some cases, eligible names are not sponsored by the District Employment Exchange for the purpose of participating in the process of selection. However, the main contention of the learned counsel appearing on behalf of the writ petitioner is that the over aged persons were appointed and therefore, entire selection is null and void and the appointment orders issued in favour of the contesting respondents are to be scrapped.

6. This Court, in order to ascertain the allegation regarding the appointment of over aged persons and to verify the files, directed the learned Government Advocate to prepare a chart, so as to understand the date of birth and the appointment of those candidates against whom the Writ Petition is filed.

7. The learned Government Advocate also filed a chart, containing the details of the candidates, who were selected and appointed to the post of Livestock Inspector Grade-II.

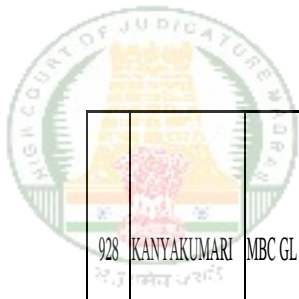
8. A perusal of the entire chart produced by the learned Government Advocate in district wise shows that the maximum age limit fixed in the notification was followed based on the relaxation granted for the SC and ST community. As per the notification, 30 years is the maximum age limit for General candidate and 32 years for BC / MBC, and 35 years for SC / ST. Destitute Widow category also considered on par with the SC / ST candidates and 35 years is the maximum age limit fixed for the Destitute Widow category. With reference to the maximum age limit fixed in the notification, a statement submitted by the respondents shows that all the appointments are made within the age limit notified in the recruitment notification.

9. In respect of the allegation, regarding not sponsoring the names of the writ petitioners to participate in the process of selection, the same deserves no consideration, in view of the fact that the writ petitioner has to establish that on what basis he is entitled to be sponsored through the District Employment Exchange. However, the fact remains that selection was concluded in the year 2015 and the appointed candidates are in service for the past about 4 years and their probations were also declared.

10. This apart, the main ground raised in the present Writ Petition is that over aged persons are appointed in violation of the rules as well as the notification issued. On verification of the details of the individuals, who were appointed to the post of

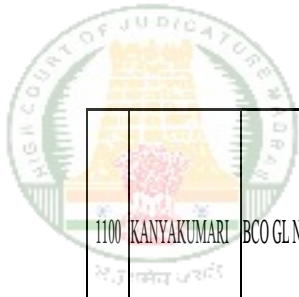
Livestock Inspector Grade-II, this Court is of the considered opinion that there is no such violation established by the writ petitioner. For more clarity, the selected candidates and their details are extracted hereunder:-

S.No	Region	BCO GP	emp.no	date of entry	name	date of birth	bc	dq	age	selected
143	KANYAKUMARI	BCO DW P	NGD1997F00002340	01/06/1995	A.MEEHARANI D/O.ANTONYMUTHU, PARIYA VILAI, TRENIPURAM POST, KANYAKUMARI DISTRICT 629197	16/02/1978	B.C.O	DESTITUTE WIDOW	34 years	selected destitute widow age limit 35, G.O. 395 Personnel and Administrative Department Date 04/11/93
156	KANYAKUMARI	BCO GP	NGD1997F00011230	31/05/1996	R.SHEEBA D/O.RENUITH, MONE VELAI KALA, PUTHENKADAI, THIRUVATTAR PO.	10/05/1979	B.C.O	DESTITUTE WIDOW	33	SELECTED destitute widow age limit 35, G.O. 395 Personnel and Administrative Department Date 04/11/93
232	KANYAKUMARI	GT GL DW	NGD2001F00009615	26/06/1998	R.SUNITHA RANI D/O.RAMASWAMY, MUTHUKUDY VILAIVEEDU ADAIKKAKUZH POST, KANYAKUMARI DISTRICT	05/06/1979	B.C.O	DESTITUTE WIDOW	33	SELECTED destitute widow age limit 35, G.O. 395 Personnel and Administrative Department Date 04/11/93
625	KANYAKUMARI	BC WNP	NGD2001F00000289	27/05/1997	K.SUII D/O.D.KANAGARAJ, 2-116/3, ALAGU VILAI, THIRUVALLUVAR STREET COLACHEL POST, K.K.DT 629251	30/07/1980	B.C.O		31 YEARS 11 MONTH	SELECTED AGE LIMIT 32
806	KANYAKUMARI	SCO GNP	NGD1997M00009316	01/06/1994	MADHAN S.M. S/O SUNDARAM, OOTTUVALMADAM, KOTTAR POST, NAGERCOIL.K.K.DIST. 629002	12/07/1977	S.C		31 YEARS 11 MONTH 18 DAYS	SELECTED SC AGE LIMIT 34



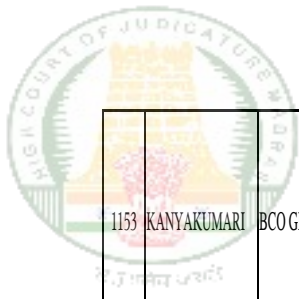
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928	KANYAKUMARI	MBC GL NP	NGD1999M00011186	30/05/1997	R.SAJEEVKUMAR S/O.N.RAGHAVAN PUTHUVEETU VILAGAM PUTHEN VEEDU, FATIMA NAGAR PO., K.K.DIST.	08/07/1980	M.B.C		31 YEARS 11 MONTH 22 DAYS	SELECTED MBC AGE LIMIT 32
1008	KANYAKUMARI	MBC GL NP	NGD2000M00009240	18/06/1997	CHENTHIL R S/O RAMASWAMY, AMMANCOIL STREET, ERACHAKULAM POST, KANYAKUMARI DISTRICT 629902	11/07/1980	M.B.C		31 YEARS 11 MONTH 19 DAYS	SELECTED MBC AGE LIMIT 32
1009	KANYAKUMARI	MBC GL NP	NGD2001F00009225	18/06/1997	MEENA K D/O KOLAPPAN 23/97A SOUTH STREET KAKKUMMOOR SUCINDRAM PO 629704	12/07/1980	M.B.C			
1033	KANYAKUMARI	BCM GL NP	NGD1998M00010684	30/05/1997	RAHUMAN KHAN S S/O SAMSUDEEN, AMPALA THUVILAI PANDARASALY PUTHENVEEDU, OLD RD., KALIAKKAVILAI PO, K.K 629153	31/07/1980	B.C.M		31 YEARS 11 MONTH 18 DAYS	SELECTED BCM AGE LIMIT 32
1097	KANYAKUMARI	BCO GL NP	NGD1999M00011686	28/05/1997	S. RAJA PRABIN S/O. SIVARAJAN, NAMBALIVILAI VEEDU, PARTHIVAPURAM, PUTHUKKADAI POST 629171	04/07/1980	B.C.O		31 YEARS 11 MONTH 26 DAYS	SELECTED BC AGE LIMIT 32

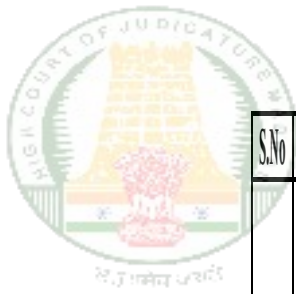


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1100	KANYAKUMARI	BCO GL NP	NGD1995M00004421	28/05/1997	SOUNTHARA RAJAN L S/O LAKSHMANAN, 76,PATTAHA SALIAN VILAI,KOTTAR PO,NGL, KANYAKUMARI DISTRICT	08/07/1980	B.C.O		31 YEARS 11 MONTH 22 DAYS	SELECTED BC AGE LIMIT 2
1124	KANYAKUMARI	BCO GL NP	NGD2002M00001717	28/05/1997	THENESH KUMAR T S/O.THANKAPPAN, THARA VILAI, THICKANAMCODE POST, KANYAKUMARI DISTRICT	24/07/1980	B.C.O		31 YEARS 11 MONTH 6 DAYS	SELECTED
1128	KANYAKUMARI	BCO GL NP	NGD1998F00011947	28/05/1997	KAVITHA C D/O CHELLAM KOVILADI VILAI ST., PERUVILAI AND POST KANYAKUMARI DISTRICT	25/07/1980	B.C.O		31 YEARS 11 MONTH 5 DAYS	SELECTED BC AGE LIMIT 32
1129	KANYAKUMARI	BCO GL NP	NGD2002F00010800	28/05/1997	LEKSHMI NARAYAN S D/O SRINIVASAN, 137 SANNATHI STREET, VADALI VILAI,KOTTAR POST,NAGERCOIL.KK.DT 629002	25/07/1980	B.C.O		31 YEARS 11 MONTH 5 DAYS	SELECTED BC AGE LIMIT 32
1142	KANYAKUMARI	BCO GL NP	NGD2000F00011062	28/05/1997	JEBA KANI P D/O PAUL RAJ, CHANI VILAI VEEDU, ANDLOOR,VENDALICODE POST,K.K.DISTRICT.	30/07/1980	B.C.O		31 YEARS 11 MONTH	SELECTED BC AGE LIMIT 32

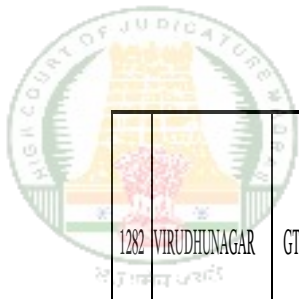


1153	KANYAKUMARI	BCO GL NP	NGD2000F0001000	28/05/1997	JASMINE K D/O KURUSUMUTHU, KESAVENPUTHOOR, AZHAGIAPANDIAPURAM POST,K.K.DISTRICT. 629851	15/09/1980	B.C.O		31 YARS 9 MONTH 15 DAYS	SELECTED BC AGE LIMIT 32
1161	KANYAKUMARI	BCO GL NP	NGD2002F0000165	29/05/1997	JOSLIN T D/O THANGATHURAI, 79A,NORTH THERI VILA PUTHALAM POST KANYAKUMARI DISTRICT	03/07/1980	B.C.O		31 YEARS 11 MONTH 27 DAYS	SELECTED BC AGE LIMIT 32
1167	KANYAKUMARI	BCO GL NP	NGD1995M0000455	29/05/1997	T.SURESH S/O THANGAPPAN, 75A,SWAMYKANCOMPO UND KEELA RAMANPITHOOR, NAGERCOIL 2. 629002	05/07/1980	B.C.O		31 YEARS 11 MONTH 25 DAYS	SELECTED BC AGE LIMIT 32
1169	KANYAKUMARI	BCO GL NP	NGD1995F0000463	29/05/1997	MEJIL SUBHA R.J D/O RAJAN, CHATTU MUKKU VILAI, THIRPARAPPU POST, KANYAKUMARI DISTRICT 629101	06/07/1980	B.C.O		31 YEARS 11 MONTH 24 DAYS	SELECTED BC AGE LIMIT 32
1213	KANYAKUMARI	BCO GL NP	NGD2001M0001128	29/05/1997	C. KRISHNA BABU S/O CHELLASWAMY, 124A,KALAI NAGAR, KOTTAR, NAGERCOIL KANYAKUMARI DISTRICT 629002	29/07/1980	B.C.O		31 32	SELECTED BC AGE LIMIT
1275	KANYAKUMARI	GT GL NP	NGD1995M0000243	29/05/1995	SURESH S S/O.K.SIVATHANU, 183-10 ELIAS ILLAM, ESANKKAN VILAI, KOTTAR,NAGERCOIL PO 629002	10/06/1978	S.C		34 YEARS	SELECTED SC AGE LIMIT 35



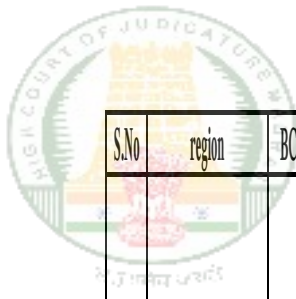
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S.No	Region	BCO G P	emp.no	date of entry	name	date of birth	bc	dq	age	selected
467	TIRUNELVELI	SCO WNP	TND1996F00008077	06/06/1994	MULLAI JEYA RANI D/O DEVARAJ 10 THALAIAMMAN KOIL ST SAMADANAPURAM TIRUNELVELI 627 002	02/07/1977	SCO	34 years 11 month 28 days	selected	sc age limit 35
431	TIRUNELVELI	SCO WNP	TND1999F00000374	27/05/1994	INDIRA.A 12 PARANAL STREET MURUGANKURICHI PALAYAMCOTTAI TIRUNELVELI	27/07/1977	SCO	34 years 11 month 27 days	selected	sc age limit 35
448	TIRUNELVELI	SCO WNP	TND1998F00000561	31/05/1994	MEHALA.S D/O SHUNMUGAVEL E 47 KALIAMMAN KOIL ST MELAKULAM PALAYAMCOTTAI TIRUNELVELI	03/07/1977	SCO	34 years 11 month	selected	sc age limit 35
803	TIRUNELVELI	SCO GNP	TND1995M00010608	31/05/1994	BALAJI A. S/O ARUMUGAM DARAKULAM KIZHAVANERI PO VALLIOOR	30/07/1977	SCO	34 years 11 month 28 days	selected	sc age limit 35



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1282	VIRUDHUNAGAR	GT GL NP	VRD1993F00001839	29/05/1995	JEYALAKSHMLS, D/O SUBRAMANIAN, 15C.PANAIYADIPATTY, ST., GOPAL LANE, THIRUTHANGAL PO SVK- VIRUDHUNAGAR-626130	15/06/1978	SCO		34	SELECTED SC age limit 35
1321	VIRUDHUNAGAR	GT GL NP	VRD1997F00006794	29/05/1995	ABIRAMLR, D/O RAMAMORRTHY, 6/2-1 KANGA STREET, N.G.O COLONY, MADURAI, ROAD, VIRUDHUNAGAR.- VIRUDHUNAGAR-0	01/06/1978	SCO		34	SELECTED SC age limit 35
1341	VIRUDHUNAGAR	GT GL NP	VRD1997M00010942	30/05/1995	PRAGALATHAM.R S/O.RAMAR, N.LAKSHMIPURAM, KUNNURPOST, SRIVILLIPUTTUR	07/01/1978	SCO		34	SELECTED SC age limit 35
1383	VIRUDHUNAGAR	GT GL NP	VRD2009F00000352	30/05/1995	THIRUMANISELVI C, W/O GURUSAMY, 4/347/1, SANGUREDDIYA, PATTI, AMATHUR,, VIRUDHUNAGAR TK- VIRUDHUNAGAR-0	12/05/1978	SCO		34	SELECTED
1447	VIRUDHUNAGAR	GT GL NP	VRD2000M000009962	31/05/1995	JEYAGANESAN K, S/O KARUNANTHI, 24 AMMANKOVI STREET, PANDALKUDI ROAD, ARUPPUKOTTAI- VIRUDHUNAGAR-0	02/07/1977	SCO	28 DAYS 11 MONTH 34 YEARS	34	SELECTED SC age limit 35
822	VIRUDHUNAGAR	SCO G NP	VRD1997M00000850	08/06/1994	N.KARIKALAN S/O.NARAYANAN 5/79A.KOVILANKULAM ARUPPUKOTTAI TK	06/07/1977	SCO	34 year 11 month 24 days		selected sc age limit 35



S.No	region	BCO G P	emp.no	date of entry	name	date of birth	bc	dq	age	selected
212	VIRUDHUNAGAR	BCO G P	VRD2000F00000060	10/06/1998	MUTHUMATHI K, D/O KANDASAMY, 35/8 KEELAPUTHUR, STREET,, SRIVILLIPUTHUR- VIRUDHUNAGAR-0	27/07/1979	BCO	DESTITUTE WIDOW	33	selected same age limit as prescribed for SC candidate shall be applicable for destitute widow for all caste G.o. 395 P & R Date 4.11.93
213	VIRUDHUNAGAR	BCO G P	VRD1999F00001434	10/06/1998	VIJAYARANI P, D/O PERUMALSAMY, KARIYAVENDAL, VAKKANANKUNDU PO, ARUPUKOTTAI TK- VIRUDHUNAGAR-0	18/12/1980	BCO	DESTITUTE WIDOW	32	selected same age limit as prescribed for SC candidate shall be applicable for destitute widow for all caste G.o. 395 P & R Date 4.11.93
MBC - WOMEN - NON PRIORITY										
506	VIRUDHUNAGAR	MBC WNP	VRD1995F00002414	28/05/1997	M.VAIRAM D/O.MUTHUPERUMAL SAMINATHAN MANAGACHERI PO MALLIVIA, SIVAKASI	22/08/1980	MBC		31 years 10	selected
541	VIRUDHUNAGAR	MBC WNP	VRD1995F00002251	02/06/1997	DHANALAKSHMI J, D/O JAYASEELAN,, 100,MADATHUPATTI ST, RAJAPALAYAM,, VIRUDHUNAGAR DIST.- VIRUDHUNAGAR-626117	22/08/1980	MBC		31 years 10 months 12 days	selected



736	VIRUDHUNAGAR	GT W NP	VRD2012F00001544	29/05/1995	P JEYALAKSHMI 14,SOUTHKULAMPATTI MALLI,SERIVILLIPUTTUR- 626141	11/07/1977	SCO		34 years 11 months 19 days	selected SC Age limit 35
759	VIRUDHUNAGAR	GT W NP	VRD1993F00001702	29/05/1995	KALAISELVIA, D/O AYANAR,, 296, NORTH ST., THULUKKAPATTI PO., VIRUDHUNAGAR DIST.- VIRUDHUNAGAR-0	06/04/1978	SCO		34	selected SC Age limit 35
767	VIRUDHUNAGAR	GT W NP	VRD1996F00006054	29/05/1995	VALLIA, D/O AMMASI, KULALIKULAM, ANNAI, KULAM PO, TIRUCHULI, TK, VIRUDHUNAGAR DIST-VIRUDHUNAGAR-0	03/05/1978	SCO		34	selected SC Age limit 35
MBC-GL - NON PRIORITY										
917	VIRUDHUNAGAR	MBC GL NP	VRD1998M00009324	29/05/1997	LASHMIKANTHAN C, S/O CHELLASAMUYI, 4/122 MAIN ROAD,, VEMBAKKOTTAL,, SIVAKASI TK- VIRUDHUNAGAR-0	18/07/1980	MBC		31 years 11 months 12 days	selected age limit 32
1168	VIRUDHUNAGAR	BCO GL NP	VRD2004M00000036	29/05/1997	GOKULAKRISHNAN D, S/O DEVARAJ, A REEDDIYAPATTI, MALLANGINAR POST, KARIPATTI TK- VIRUDHUNAGAR-0	06/07/1980	BC		31 years 11 month 24 days	selected age limit 32

11. In respect of W.P.(MD)No.6852 of 2014, the learned counsel appearing on behalf of the writ petitioner states that the appointed candidate, namely, Jeyalakshmi had suppressed the fact that she had already appointed as Noon Meal Organiser and secured appointment in the post of Livestock Inspector Grade-II.

12. The learned counsel appearing on behalf of the writ petitioner states that the said candidate was already appointed through District Employment Exchange to the post of Noon Meal Organiser in the year 2012. However, she had suppressed the fact and on account of suppression, her name was erroneously sponsored by the District Employment Exchange and based on the erroneous



sponsorship, the said Jeyalakshmi was appointed to the post of Livestock Inspector Grade-II.

13. In this regard, the official respondents are directed to verify the files and conduct an enquiry, if required and initiate appropriate action for cancellation of appointment by following the procedures and by affording opportunity to the candidate concerned.

14. In the present case, where there are certain other illegalities, if any, are concerned, the same also can be verified with reference to the original files and if there is any discrepancy in respect of the service particulars of the individual concerned, all suitable actions are to be initiated in accordance with the rules by following the procedures and by affording opportunity to the respective candidates concerned. Thus, all such individual cases, where there are certain suppression of facts at the time of appointment or certain fraudulent activities, the same can be verified with the original files and all actions are to be initiated by the respondents.

15. As far as the quashing of entire selection as well as the notification and the Government Order are concerned, this Court is of the considered opinion that revised advertisement was issued, pursuant to the orders of the Hon'ble Division Bench of this Court. As per the revised advertisement, maximum age limit fixed for General category is 30 and BC category is 32 and SC / ST is 35.

16. This being the maximum age limit fixed, now on a perusal of the entire details of the appointed candidates, the official respondents had not violated the maximum age limit fixed for these candidates. All the candidates appointed were well within the maximum age limit fixed, which was notified in the advertisement.

17. In respect of the allegations raised regarding the fraudulent activities, submission of bogus certificates and other criteria, the writ petitioner is at liberty to submit a detailed representation to the competent authorities and the authorities concerned are bound to conduct an enquiry and take a decision in this regard.

18. This being the factum, this Court is of the considered opinion that the writ petitioner has not established any legal ground for the purpose of quashing the entire selection and appointment and accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

1. The Secretary,
Department of Animal Husbandry and Fisheries (AH.I)
Fort St. George, Secretariat,
Chennai-9.

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

3. The Director of Employment and Training
O/o. The Director of Employment and
Training, Guindy,
Chennai-32.

4. The District Employment Officer,
Virudhunagar District,
Virudhunagar.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-77961[F] dated
26/07/2019)

W.P. (MD) No. 266 of 2015
and
M.P. (MD) .No. 2 of 2015
25.07.2019

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AE/ (05.08.2019) 13P 6C