

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2325 of 2020
and
W.M.P.No.2694 of 2020

Dr.V.Raja

Petitioner

vs.

- 1.The Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Animal Husbandry and Veterinary Services,
Central Office Buildings, Block - 2,
DMS Compound,
Chennai - 600 006.
- 3.The Tamil Nadu Public Service Commissioner
Rep. by its Secretary,
Frazer Bridge Road,
Chennai.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Centrionarified Mandamus, calling for the records relating to the advertisement No. 562 issued by the 3rd respondent in notification No.32 of 2019 to fill up the 1141 vacancies of Veterinary Assistant Surgeons by direct recruitment and to quash the same and consequently direct the respondents to issue a fresh notification describing the correctness of 636 vacancy position and the 636 temporarily working Veterinary Assistant Surgeons.

For Petitioner : Mr.S.T.P.Kuilmozhi

For Respondent : Mr.P.V.Selvakumar
Additional Government Pleader
for R1 & R2.

Ms.C.N.G.Niraimathi,
Standing Counsel for R3.

O R D E R

This writ petition has been filed challenging the Notification of the third respondent and for a consequential direction to the respondents to consider the claim made by 636 temporarily working Veterinary Assistant Surgeons and not to include these vacancies in the total vacancies shown in the Notification as 1141 vacancies.

2. The case of the petitioner is that in the year 2011, the Government Order was passed in G.O.Ms.No. 137, wherein 853 vacancies were identified for the post of Veterinary Assistant Surgeons. The vacancies were also filled up and the petitioner was one of the person, who was appointed as Veterinary Assistant Surgeon.

3. Thereafter, in the year 2014, the Government Order was passed to conduct special qualification examination for those candidates, who were appointed in the earlier vacancies that were identified. This issue became a subject matter of challenge before this Court and Division Bench of this Court passed an order dated 21.01.2016, directing the Government to conduct a general competitive examination to fill up 1021 vacancies. As against this order, a Special Leave Petition has been filed and the same is pending before the Hon'ble Apex Court.

4. In the meantime, the third respondent issued a Notification on 18.11.2019 to fill up the post of Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry Service. In the Notification itself, it has been stated that this excludes 636 vacancies filled up by temporary working Veterinary Assistant Surgeons. Since there was no clarity on the same, the present writ petition has been filed before this Court.

5. Heard Ms.S.T.P.Kuilmozhi, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.C.N.Niraimathi, learned Standing Counsel appearing for the third respondent.

6. It is clear from the Notification itself that the vacancies have been identified only after excluding 636 vacancies, which were filled up with temporary working Veterinary Assistant Surgeons. This was done, only keeping in mind the fact that the case in this regard is pending before the Hon'ble Supreme Court. Therefore, there is no requirement for any further clarification on this issue and it is clear from the Notification itself that 636 vacancies have been kept away from the selection process to the post of Veterinary Assistant Surgeons.

7. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

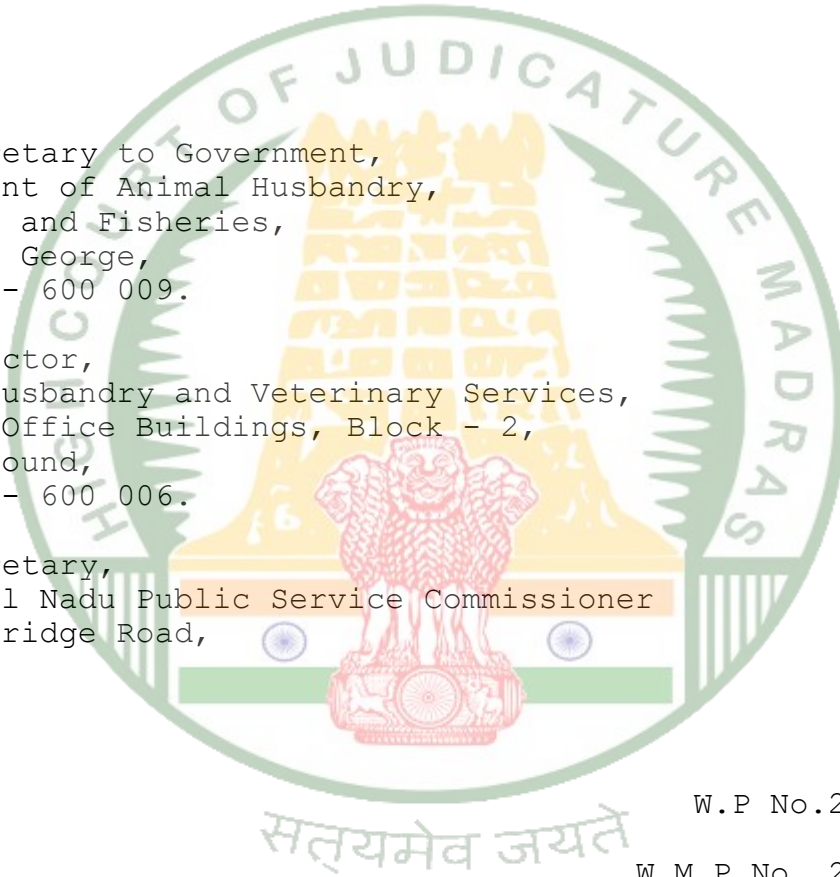
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Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Animal Husbandry and Veterinary Services,
Central Office Buildings, Block - 2,
DMS Compound,
Chennai - 600 006.
- 3.The Secretary,
The Tamil Nadu Public Service Commissioner
Frazer Bridge Road,
Chennai.



W.P No.2325 of 2020
and
W.M.P.No. 2694 of 2020

RSK(CO)
RN(26/06/2020)

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