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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18135 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013

Abddul Pathak

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
Fort St.George,
Chennai-600 009.

2.The Commissioner of Animal Husbandry
and Veterinary Services,
Chennai-600 006.

3.The Director,
Animal Husbandry and Veterinary Services,
Chennai-600 006.

4.The Director,
Employment and Training,
Guindy, Chennai-600 032.

5.The District Employment Officer,
Employment Exchange,
Tirunelveli.

6.Jahangeer Ali

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the third respondent in his NAKA No.55647/E2/2008, dated 19.07.2011 and quash the same insofar as the selection of the sixth respondent in Serial No.152 and to direct the respondents 1 to 5 to select the petitioner as per G.O. (Ms)No.132, dated 06.10.2008 and G.O.(Ms)No.10, dated 27.01.2012 respectively issued by the first respondent as Livestock Inspector and after giving training issue posting orders.



For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents: Mr.P.Mahendran

Additional Government Pleader
for R.1 to R.5

: No Appearance for R.6

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ORDER

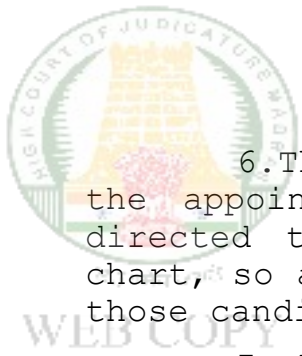
The present Writ Petition is filed to quash the proceedings of the third respondent in his NAKA No.55647/E2/2008, dated 19.07.2011 insofar as the selection of the sixth respondent in Serial No.152 and to direct the respondents 1 to 5 to select the petitioner as per G.O.(Ms)No.132, dated 06.10.2008 and G.O.(Ms) No.10, dated 27.01.2012 respectively issued by the first respondent as Livestock Inspector.

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.

4.The 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 all the learned counsel appearing on behalf of the writ petitioners 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 Additional Government Pleader to prepare a chart, so as to understand the date of birth and the appointment of those candidates against whom the Writ Petitions are filed.

7. The learned Additional Government Pleader 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 Additional Government Pleader 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 petitioner to participate in the process of selection, the same deserves no consideration, in view of the fact that the writ petitioners have to establish that on what basis they are 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 Petitions 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 petitioners. For more clarity, the selected candidates and their details are extracted hereunder:-



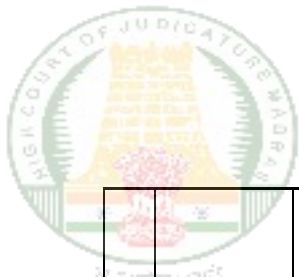
S.No	Region	BCO G P	emp.no	date of entry	name	date of birth	bc	dq	age	selected
143	KANYAKUMARI	BCO DW P	NGD1997F00002340	01061995	A.MEEHARANI D/O.ANTONYMUTHU, PARIYA VILAI, IRENIPURAM POST, KANYAKUMARI DISTRICT 629197	16021978	B.C.O	DESTITUTE WIDOW	34 years	selected destitute widow age limit 35, G.O. 395 Personel and Administriavie Department Date04/11/93
156	KANYAKUMARI	BCO G P	NGD1997F00011230	31051996	R.SHEEBA D/O.RENJITH, MONE VELAI KALA, PUTHENKADAI, THIRUVATTAR PO.	10051979	B.C.O	DESTITUTE WIDOW	33	SELECTED destitute widow age limit 35, G.O. 395 Personel and Administriavie Department Date04/11/93
232	KANYAKUMARI	GT GL DW	NGD2001F00009615	26061998	R.SUNTHA RANI D/O.RAMASWAMY, MUTHUKUDY VILAIVEDU ADAIKKAKUZHI POST, KANYAKUMARI DISTRICT K.SUJI	05061979	B.C.O	DESTITUTE WIDOW	33	SELECTED destitute widow age limit 35, G.O. 395 Personel and Administriavie Department Date04/11/93
625	KANYAKUMARI	BC W NP	NGD2001F00000289	27051997	D/O.D.KANAGARAJ, 2-116J3,ALAGU VILAI, THIRUVALLUVAR STREET COLACHEL POST,K.K.DT 629251	30071980	B.C.O		31 YEARS 11 MONTH	SELECTED AGE LIMIT 32
806	KANYAKUMARI	SCO G NP	NGD1997M00009316	01061994	MADHAN S.M. S/O SUNDARAM, OOTTUVALMADAM, KOTTAR POST, NAGERCOIL.K.K.DIST. 629002	12071977	S.C		31 YEARS 11 MONTH 18 DAYS	SELECTED SC AGE LIMIT 34



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928	KANYAKUMARI	MBC GL NP	NGD1999M0001 1186	30051997	R.SAJEEVKUMAR S/O.N.RAGHAVAN PUTHUVETU VILAGAM PUTHEN VEEDU, FATIMA NAGAR PO., K.K.DIST.	08071980	M.B.C		31 YEARS 11 MONTH 22 DAYS	SELECTED MBC AGE LIMIT 32
1008	KANYAKUMARI	MBC GL NP	NGD2000M0000 9240	18061997	CHENTHIL R S/O RAMASWAMY, AMMANCOIL STREET, ERACHAKULAM POST, KANYAKUMARI DISTRICT 629902 MEENA K	11071980	M.B.C		31 YEARS 11 MONTH 19 DAYS	SELECTED MBC AGE LIMIT 32
1009	KANYAKUMARI	MBC GL NP	NGD2001F00009 225	18061997	D/O KOLAPPAN 23/97A SOUTH STREET KAKKUMOR SUCINDRAM PO 629704	12071980	M.B.C			
1033	KANYAKUMARI	BCM GL NP	NGD1998M0001 0684	30051997	RAHUMAN KHAN S S/O SAMSUDEEN, AMPALA THUVILAI PANDARASALY PUTHENVEEDU, OLD RD., KALIAKKAVILAI PO, K.K 629153	31071980	B.C.M		31 YEARS 11 MONTH 18 DAYS	SELECTED BCM AGE LIMIT 32
1097	KANYAKUMARI	BCO GL NP	NGD1999M0001 1686	28051997	S. RAJA PRABIN S/O. SIVARAJAN, NAMBALIVILAI VEEDU, PARTHIVAPURAM, PUTHUKKADAI POST 629171	04071980	B.C.O		31 YEARS 11 MONTH 26 DAYS	SELECTED BC AGE LIMIT 32

1100	KANYAKUMARI	BCO GL NP	NGD1995M0000 4421	28051997	SOUNTHARA RAJAN L S/O LAKSHMANAN, 76,PATTAHA SALIAN VILAI,KOTTAR PO,NGL, KANYAKUMARI DISTRICT	08071980	B.C.O		31 YEARS 11 MONTH 22 DAYS	SELECTED BC AGE LIMIT 2
1124	KANYAKUMARI	BCO GL NP	NGD2002M0000 1717	28051997	THENESH KUMAR T S/O.THANKAPPAN, THARA VILAI, THICKANAMCODE POST, KANYAKUMARI DISTRICT	24071980	B.C.O		31 YEARS 11 MONTH 6 DAYS	SELECTED
1128	KANYAKUMARI	BCO GL NP	NGD1998F00011 947	28051997	KAVITHA C D/O CHELLAM KOVILADI VILAI ST., PERUVILAI AND POST KANYAKUMARI DISTRICT	25071980	B.C.O		31 YEARS 11 MONTH 5 DAYS	SELECTED BC AGE LIMIT 32
1129	KANYAKUMARI	BCO GL NP	NGD2002F00010 800	28051997	LEKSHMI NARAYANI S D/O SRINIVASAN, 137 SANNATHI STREET, VADALI VILAI,KOTTAR POST,NAGERCOIL.KK. DT 620002	25071980	B.C.O		31 YEARS 11 MONTH 5 DAYS	SELECTED BC AGE LIMIT 32
1142	KANYAKUMARI	BCO GL NP	NGD2000F00011 062	28051997	JEBA KANI P D/O PAUL RAJ, CHANI VILAI VEEDU, ANDOOR,VENDALICOD E POST,K.K.DISTRICT.	30071980	B.C.O		31 YEARS 11 MONTH	SELECTED BC AGE LIMIT 32



1153	KANYAKUMARI	BCO GL NP	NGD2000F00010000	28051997	JASMINE K D/O KURUSUMUTHU, KESAVENPUTHOOR, AZHAGIAPANDIAPURA M POST,K.K.DISTRICT. 629851	15091980	B.C.O		31 YARS 9 MONTH 15 DAYS	SELECTED BC AGE LIMIT 32
1161	KANYAKUMARI	BCO GL NP	NGD2002F00001651	29051997	JOSLIN T D/O THANGATHURAI, 79A,NORTH THERI VILA PUTHALAM POST KANYAKUMARI DISTRICT	03071980	B.C.O		31 YEARS 11 MONTH 27 DAYS	SELECTED BC AGE LIMIT 32
1167	KANYAKUMARI	BCO GL NP	NGD1995M00004556	29051997	T.SURESH S/O THANGAPPAN, 75A,SWAMYKANCOMP OUND KEELA RAMANPITHOOR, NAGERCOIL 2. 629002	05071980	B.C.O		31 YEARS 11 MONTH 25 DAYS	SELECTED BC AGE LIMIT 32
1169	KANYAKUMARI	BCO GL NP	NGD1995F00004633	29051997	MEJIL SUBHA R.J D/O.RAJAN, CHATTU MUKKU VILAI, THIRPARAPPU POST, KANYAKUMARI DISTRICT 629101	06071980	B.C.O		31 YEARS 11 MONTH 24 DAYS	SELECTED BC AGE LIMIT 32
1213	KANYAKUMARI	BCO GL NP	NGD2001M00011281	29051997	C. KRISHNA BABU S/O CHELLASWAMY, 124A,KALAI NAGAR, KOTTAR, NAGERCOIL KANYAKUMARI DISTRICT 629002	29071980	B.C.O		31	SELECTED BC AGE LIMIT 32
1275	KANYAKUMARI	GT GL NP	NGD1995M00002430	29051995	SURESH S S/O.K.SIVATHANU, 183-10 ELIAS ILLAM, ESANKKAN VILAI, KOTTAR,NAGERCOIL PO 629002	10061978	S.C		34 YEARS	SELECTED SC AGE LIMIT 35



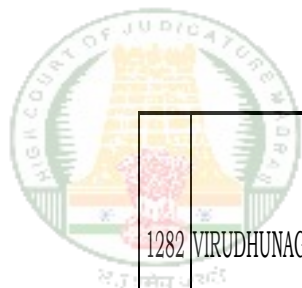
S.No	region	BCO G P	emp.no	date of entry	name	date of birth	bc	dq	age	selected
212	VIRUDHUNAGAR	BCO G P	VRD2000F00000060	10061998	MUTHUMATHI K , D/O KANDASAMY, 35/8 KEELAPUTHUR, STREET,, SRIVILLIPUTHUR-VIRUDHUNAGAR-0	27/07/1979	BCO	DESTITUTE WIDOW	33	selected same age limit as prescribed for SC candidate shall be applicable for destitute widow for all caste G.o. 395 P & R Date 4.11.92
213	VIRUDHUNAGAR	BCO G P	VRD1999F00001434	10061998	VIJAYARANI.P , D/O PERUMALSAMY, KARIYANENDAL, 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 4.11.92
MBC -WOMEN - NON PRIORITY										
506	VIRUDHUNAGAR	MBC W NP	VRD1995F00002414	28/05/1997	M.VAIRAM D/O.MUTHUPERUMAL SAMINATHAN MANAGACHERI PO MALLI VIA , SIVAKASI	22/08/1980	MBC		31 years 1	selected
541	VIRUDHUNAGAR	MBC W NP	VRD1995F00002251	02061997	DIHANALAKSHMI.S , D/O JAYASEELAN,, 100,MADATHUPATTI ST, RAJAPALAYAM,, VIRUDHUNAGAR DIST.-VIRUDHUNAGAR-626117	22/08/1980	MBC		31 years 10 months 12 days	selected

S.No	Region	BCO G P	emp.no	date of entry	name	date of birth	bc	dq	age	selected
467	TIRUNELVELI	SCO W NP	TND1996F00008077	06061994	MULLAI JEYA RANI D D/O DEVARAJ 10 THALAIVAMMAN KOIL ST SAMADANAPURAM TIRUNELVELI 627 002	02071977	SCO	34 years 11 month 28 days	selected	sc age limit 35
431	TIRUNELVELI	SCO W NP	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 W NP	TND1998F00000561	31/05/1994	MEHALA.S D/O SHUNMUGAVEL E 4/7 KALIAMMAN KOIL ST MELAKULAM PALAYAMCOTTAI TIRUNELVELI	03071977	SCO	34 years 11 month	selected	sc age limit 35
803	TIRUNELVELI	SCO G NP	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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736	VIRUDHUNAGAR	GT W NP	VRD2012F00001544	29/05/1995	P.JEYALAKSHMI 14.SOUTHKULAMPATTI MALLI,SERIVILIPUTTU R-626141 KALAISELVIA, D/O AYYANAR,, 2/96, NORTH ST,, THULUKKAPATTI PO., VIRUDHUNAGAR DIST.-VIRUDHUNAGAR-0	11071977	SCO		34 years 11 months 19 days	selected SC Age limit 35
759	VIRUDHUNAGAR	GT W NP	VRD1993F00001702	29/05/1995	0	06041978	SCO		34	selected SC Age limit 35
767	VIRUDHUNAGAR	GT W NP	VRD1996F00006054	29/05/1995	VALLIA, D/O AMMASI, KULAIKULAM,ANNAI, KULAM PO,TIRUCHULI, TK,VIRUDHUNAGAR DIST-VIRUDHUNAGAR-0	03051978	SCO		34	selected SC Age limit 35
MBC-GL - NON PRIORITY										
917	VIRUDHUNAGAR	MBC GL NP	VRD1998M00009324	29/05/1997	LASHMIKANTHAN.C , S/O.CHELLASAMUY.I, 4/122,MAIN ROAD,, VEMBAKKOTTAI,, 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	06071980	BC		31 years 11 month 24 days	selected age limit 32



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1282	VIRUDHUNAGAR	GT GL NP	VRD1993F00001839	29/05/1995	JETALAKSHMI.S, 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	ABIRAMI.R, D/O RAMAMORRTHY, 6/2-1 KANGA STREET, N.G.O COLONY, MADURAI, ROAD, VIRUDHUNAGAR. -VIRUDHUNAGAR-0	01061978	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	07011978	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	12051978	SCO		34	SELECTED
1447	VIRUDHUNAGAR	GT GL NP	VRD2000M00009962	31/05/1995	JEYAGANESAN.K, S/O KARUNANTHI, 24 AMMANKOVIL STREET, PANDALKUDI ROAD, ARUPPUKOTTAI-VIRUDHUNAGAR-0	02071977	SCO		28 DAYS 11 MONTH 34 YEARS	SELECTED SC age limit 35
822	VIRUDHUNAGAR	SCO G NP	VRD1997M00000850	08061994	N.KARIKALAN S/O.NARAYANAN 5/79A.KOVILANKULAM ARUPPUKOTTAI TK	06071977	SCO		34 year 11 month 24 days	selected sc age limit 35

11.As far as the other cases, 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.



12.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.

13.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.

14.In respect of the allegations raised regarding the fraudulent activities, submission of bogus certificates and other criteria, the writ petitioners are 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.

15.This being the factum, this Court is of the considered opinion that the writ petitioners were not established any legal ground for the purpose of quashing the entire selection and appointment and accordingly, all these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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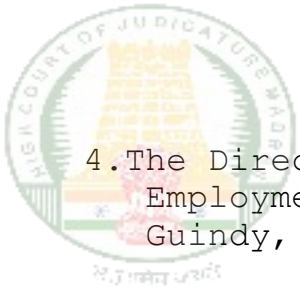
Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
State of Tamil Nadu,
Department of Animal Husbandry,
Dairying and Fisheries,
Fort St.George, Chennai-600 009.

2.The Commissioner of Animal Husbandry
and Veterinary Services,
Chennai-600 006.

3.The Director,
<https://hcservices.ecourts.gov.in/hcservices/>
Animal Husbandry and Veterinary Services,
Chennai-600 006.



4.The Director,
Employment and Training,
Guindy, Chennai-600 032.

5.The District Employment Officer,
Employment Exchange,
Tirunelveli.

+1 CC to M/s.A.S. MUJIBUR RAHMAN, Advocate (SR-19960[F] dated 13/10/2020)

+1 CC to M/s.GP (SR-20018[F] dated 14/10/2020)

W.P. (MD) No.18135 of 2013
and
M.P. (MD) Nos.1 and 2 of 2013
13.10.2020

srk(CO)

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