



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.4018 of 2021

and

W.M.P(MD) Nos.3247 and 3249 of 2021

WEB COPY

N.Sorimuthu

... Petitioner

Vs

1.The Principle Secretary,
Animal Husbandry Department,
Fort St.George,
Chennai-600 009.

2.The Director,
Directorate of Animal Husbandry and
Veterinary Services-I,
571, Anna Salai,
Nandanam, Chennai-600 035.

3.The Assistant Director,
Office of the Animal Husbandry,
Pudugramam,
Thoothukudi-628 001.

4.The District Collector,
Thoothukudi District,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the appointment of the petitioner as Veterinary Assistant (Maintenance) in any one of the vacancy in the dispensaries under the control of the third respondent based on the petitioner's representation dated 13.03.2018 and the recruitment notification issued by the second respondent dated 12.02.2021 within the period stipulated by this Court.

For Petitioner : Mr.Ananth.C.Rajesh
For Respondents : Mr.S.Dhayalan
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2.The petitioner herein had participated in the selection process for the post of Veterinary Assistant, pursuant to the notification dated 12.02.2021 called for by the respondent herein. The petitioner claims that he was appointed as a part time worker in the respondent Department in the year 2001 and since he has completed more than 10 years, he had sought for regularising his service by filing a writ petition in W.P. No.20161 of 2012 and this Court, by an order dated 27.07.2012 had allowed the writ petition, with a direction to the respondents to regularise his service. Aggrieved against the same, an appeal was filed by the respondent herein, in which, the Hon'ble Division Bench of this Court had passed an order in W.A.No.1118 of 2013, dated 01.03.2018, by allowing the appeal. As such, the petitioner's request for regularisation was nullified.

3.In this background, the petitioner had participated in the selection process, pursuant to the notification dated 12.02.2021. As per the notification, the age limit prescribed for applying to the post of Veterinary Assistant is 32 years, whereas, the petitioner herein is now aged about 42 years. Apparently, he may not be qualified to participate in the selection process.

4.Just because the petitioner had served in the respondent department on part time basis for more than 10 years, such a service will not entitle the petitioner for age relaxation or any other priority. While that being so, the petitioner's representation dated 30.03.2018 to the respondents, seeking for participation in the selection process cannot be considered by the respondents and therefore, this Court may not be justified in directing the respondents to consider his request.

5.In the light of the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct

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copy, shall be the responsibility of the advocate/litigant concerned.

To

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Thoothukudi.

+1 CC to Mr.ANANTH.C.RAJESH, Advocate (SR-8185[F] dated
02/03/2021)

+1 CC to M/s.SPL GP (SR-8212[F] dated 02/03/2021)

Order made in
W.P. (MD) No.4018 of 2021
01.03.2021

VB (17.03.2021) 3P 7C