



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) Nos.2048, 12561, 12608,
15214 and 20555 of 2018

and

W.M.P. (MD) Nos.2277 to 2279, 11454 to 11456,
11485 to 11487, 13754 to 13756 and 18298 to 18300 of 2018

S.Gayathri ...Petitioner in W.P.(MD)No.2048 of 2018
S.Karuppasamy ...Petitioner in W.P.(MD)No.12561 of 2018
K.Rajeshwaran ...Petitioner in W.P.(MD)No.12608 of 2018
M.Ranjitha Jenifer ...Petitioner in W.P.(MD)No.15214 of 2018
V.Bhuvaneswari ...Petitioner in W.P.(MD)No. 20555 of 2018

Vs

1. The Secretary to Government,
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.
... Respondents 1 to 3 in all WPs
4. The District Employment Officer,
Sivagangai District,
Sivagangai.
5. M. Chithra ... Respondents 4 and 5 in
in W.P.(MD)No.2048 of 2018



4. The District Employment Officer,
Tirunelveli District,
Tirunelveli.

5. S. Meenatchi

6. A. Lakshmi

7. M. Latha

...Respondents 4 to 7 in

W.P.(MD)No.12561 of 2018

4. The District Employment Officer,
Madurai District,
Madurai.

5. M. Karthikeyan

6. P. Parimala

7. T. Sujatha

...Respondents 4 to 7 in

W.P.(MD)No.12608 of 2018

4. The District Employment Officer,
Dindigul District,
Dindigul.

5. K. Palaniammal

6. M. Sathya

7. D. Manikandan

8. Silosilin Rani

...Respondents 4 to 8 in

W.P.(MD)No.15214 of 2018

4. The District Employment Officer,
Tirunelveli District,
Tirunelveli.

5. M. Latha

...Respondents 4 and 5 in

W.P.(MD)No. 20555 of 2018

Prayer in all WPs.: Writ Petitions filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned seniority list of the 4th respondents dated Nil and the consequential impugned appointment order issued by the second respondent in Na.Ka.No.48751/E2/2012 dated 30.09.2013 and quash the same and consequently direct the fourth respondent to prepare a fresh seniority list for the post of Livestock Inspector Grade II based on the employment seniority maintained by him and pass orders.

For Petitioners

:

Mr.M.R.Sreenivasan

For Respondents

:

Mr.V.Om Prakash

Government Advocate

for R1 to R4

R5- No appearance



COMMON ORDER

This batch of writ petitions have been filed by petitioners challenging the Seniority List of the fourth respondent that is, the District Employment Officer for the post of Livestock Inspector Grade II and consequential appointments made of the private respondents by the Director of Animal Husbandry and Veterinary Services.

2. The writ petitions have a history which is set out as below:

2.1. Government Order in G.O.Ms. No.10, Animal Husbandry, Dairying and Fisheries dated 27.01.2012 had been issued seeking to fill up vacant posts of Livestock Inspector Grade II. The Government Order was the subject matter of challenge in W.P.(MD) No. 3296 of 2013 and the learned Single Judge of this court had allowed the writ petition insofar as that petitioner was concerned. In conclusion, the court held that the petitioner in that case is well within the age limit under the notification and the official respondents were thus directed to consider the candidature of that petitioner within a time frame that was fixed for that purpose.

2.2. The State had challenged the order of the learned Single Judge in W.A.(MD) No. 1114 of 2015. A Division Bench of this court disposed the writ appeal confirming the order of the learned Single Judge. It was however clarified by the Bench that the appointments pursuant to G.O.Ms.No.10 shall not be disturbed.

3. The aforesaid orders are pressed into service by the petitioners in this case as well. It has transpired that notifications issued originally were followed by revised notifications issued in 2015 that came to be challenged by a group of petitioners in W.P.(MD) Nos. 2452 and 2453 of 2013 on identical facts and legal position. A learned Single Judge of this court by his order dated 17.07.2019 considered the case of the petitioners, ultimately dismissing the writ petitions.

4. The same argument as advanced before me now has been considered by learned Single Judge in order dated 17.07.2019, to the fact that the candidates sponsored by the employment exchange had all been over the stipulated age and hence their appointments were in violation of the prescription under the notification and the concerned Government Orders.

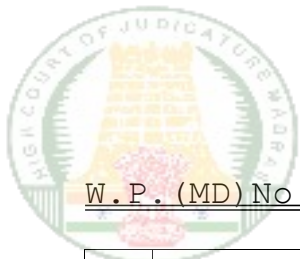
5. The age of the respondents as on the critical date, 01.07.2012, is a matter of fact. Reference is made to the counter affidavits filed by R2 (in WP(MD)Nos.2048, 12561, 12608 & 15214 of 2018) and R4 (in WP(MD)No.20555 of 2018) which at paragraphs 5



thereof set out the relevant details of the respondents, as follows:

W.P. (MD)No.2048 of 2018:

Sl. No.	Pri ority	Reg No.	Reg Date	Name and Address	Date of Birth	Communal Category	Age as on 01.07.2012
113	MBC GLP (DW)	SGD2000F00000001	03.01.2000	M. Manonmani W/o. Late. Muthu kumar	05.10.1979	MBC	32 years 08 months 20 days
189	BCO GLP	SGD2000F0000491	29.05.1997	K. Thandeewari W/o. Kannan	16.07.1980	BC	31 years 11 Months 15 days
1297	GT GLP	SGD1998F00004004	29.05.1995	C. Kasthuri Thilaka	02.07.1978	SC	33 Years 11 Months 29 Days
1328	GT GLP	SGD1993F00002438	30.05.1995	M. Chitra D/o. Muthu	03.07.1977	SC	34 Years 11 Months 28 Days
1405	GT GLP	SGD2002M00003841	30.05.1995	K. Balkan S/o. Kottaiyan	07.06.1978	SCA	34 Years 0 Months 24 Days



W.P. (MD) No.12561 of 2018:

Sl. No.	Regn. No & Seniority	Name of the candidate	Date of birth/ Community/ Priority	Category
1.	TND1996F 00001583 29.05.1995	B.Loheswari	SC 03.02.1978	GT-W-NP
2.	TND1998F 00009320 29.05.1995	G.Jeya	SC 09.05.1978	GT-W-NP
3.	TND1999F 00002520 29.05.1995	S.Meenakshi	SC 02.04.1978	GT-G-NP
4.	TND1993F 00004340 30.05.1995	A.Lakshmi	SC 12.05.1978	GT-G-NP
5.	TND1999F 00011733 30.05.1995	M.Latha	SC 23.05.1978	GT-G-NP

W.P. (MD) No.12608 of 2018:

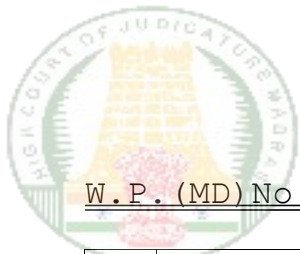
Sl. No.	Regn. No & Seniority	Name of the candidate	Date of birth/ Community/ Priority	Category
1.	MDD1999F 00007774 21.07.1999	K.Pandiselvi	03.02.1978 MBC	MBC-GL-P
2.	MDD1998F 00000898 13.04.1998	M.Jeyalakshmi	03.03.1979 BC	BC-GL-P
3.	MDD1994F 00002405 08.06.1994	R.Meenakshi	13.07.1977 GTW	GTW-NPR-Y



4.	MDDD1992F 00004073 29.06.1994	J.Vijayarani	08.07.1977 GTW	GTW-NP
5.	MDD1993F 00004862 29.05.1995	S.Maheswari	26.01.1978 GTW	GTW-NP
6.	MDD1995F 00002727 29.05.1995	M.Karthikeyan	15.05.1978 GT	GT-GL-NP
7.	MDD1993 00005897 29.05.1995	P.Parimala	04.01.1978 GT	GT-GL-NP
8.	MDD1993F 00005264 30.05.1995	T.Sujatha	12.06.1978 GT	GT-GL-NP

W.P. (MD)No.15214 of 2018:

Sl No	Regn.No. & Seniority	Name of the candidate	Date of birth/ Community/ Priority	Category
1.	DGD1993F 00002792 27.05.1995	K.Palaniammal	GT 06.05.1978	GT- WNP
2.	DGD1997F 00006804 27.05.1995	M.Sathya	GT 06.03.1978	GT- WNP
3.	DGD1998M 00001974 30.05.1995	D.Manikandan	GT 27.03.1978	GT- GL-NP
4.	DGD2006F 00001220 3 30.05.1995	Silosilin Rani	GT 16.07.1978	GT- GL-NP



W.P. (MD) No. 20555 of 2018:

SL No	NAME OF THE REGISTRATION AND REGISTRATION NO.	DATE OF BIRTH	REGISTRATION SENIORITY AND COMMUNITY	PERMITTED AGE	AGE DURING SUBMISSION AS ON 01.07.2012
749	LOKESHWARI B TND1995F00001583	03.02.1978	29.05.1995 GT - W - NP	35 Years	34 Years
772	JEYA G TND1998F00009320	09.05.1978	29.05.1995 GT - W - NP	35 Years	34 Years
1363	MEENAKSHI S TND1999F00002529	02.04.1978	30.05.1995 GT - GL - NP	35 Years	34 Years
1384	LAKSHMI TND1993F00004340	12.05.1978	30.05.1995 GT - GL - NP	35 Years	34 Years
1391	LATHA M TND1999F000011733	23.05.1978	30.05.1995 GT - GL - NP	35 Years	34 Years

6. A perusal of the tabulations as above would reveal that the critical age of all respondents as on 01.07.2012, falls within the limit as prescribed for their category of selection that is, in cases of open selection 30, in cases of backward class 32, in case of scheduled tribe and schedule tribe 35.

7. The operative portion of the order of the learned Single Judge dismissing the writ petitions is based on the identical details that were furnished before this court in the earlier batch of writ petitions as well.

8. The details of age furnished by the respondents have not been disputed in any manner by the petitioners and in light of this critical finding of fact that the private candidates in all cases were within the prescribed age limit, I see no call for interference.



9. Learned counsel for the petitioners refers to Rule 12 (d) of the General Rules for Tamil Nadu State and Subordinate Services Rules, 1955, referred to in the application proforma. The Rule stipulates that the maximum age limit prescribed in the Special Rules shall not apply to candidates belonging to scheduled caste, scheduled tribe, backward classes, most backward classes and denotified communities, or destitute widows where such candidates had obtained General Educational qualifications higher than those referred to in the terms prescribing educational qualifications.

10. In the present case, reference to Rule 12(d) is itself unnecessary insofar as none of the private candidates arrayed in these writ petitions seek benefit under that Rule. As admittedly, all private respondents fall within the age limit prescribed in the Rules, without needing the benefit of relaxation as set out in Rule 12 (d), reference to the Rule would not advance the case of the petitioners.

11. No case has been made out warranting interference in the impugned notifications or in the appointments of the private respondents, who have been in service since 2015, and these writ petitions are thus, dismissed. The Division Bench in writ appeal, has protected the interest of the candidates that have been appointed pursuant to G.O.Ms.No.10, the Bench stating categorically that such appointments shall not be disturbed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

mnr

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

To

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

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



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.

5. The District Employment Officer,
Sivagangai District,
Sivagangai.

6. The District Employment Officer,
Tirunelveli District,
Tirunelveli.

7. The District Employment Officer,
Madurai District,
Madurai.

8. The District Employment Officer,
Dindigul District,
Dindigul.

+1 CC to M/s.SPL GP (SR-38118[F] dated 10/12/2021)

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-38483[F],
38480,38484,38485,38479 dated 13/12/2021)

+1 CC to Mr. M.E.Ilango,Advocate, SR.No.38005 dated 09/12/2021

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ps (CO)
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