



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No. 10628 of 2018

and

W.M.P. (MD) No.9703 of 2018

WEB COPY

N. Sorimuthu

.. Petitioner

Vs.

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

2.The Commissioner and Director,
Directorate of Animal Husbandry and
Veterinary Services I
Central Administrative Building,
Chennai - 600 006.

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

4.The District Collector,
Tuticorin District,
Tuticorin.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing 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 within the period stipulated by this court and pass orders.

For Petitioner	: Mr. Ananth C. Rajesh for Mr. G. Radhakrishnan
For Respondents	: Mr. A.K. Manikkam, Special Government Pleader

ORDER

The writ petitioner has, pending the writ petition, filed W.P.(MD) No.4018 of 2020, wherein the prayer is identical to prayer in this writ petition bearing reference to recruitment notification issued by the second respondent, that is, the Directorate of Animal Husbandry and Veterinary Services I dated 12.02.2021.



2. The affidavit filed in support of that writ petition was called for to ensure that a disclosure had been made in regard to the pending writ petition.

3. I find on a perusal of the same that a disclosure has been made from paragraph 7 onwards. The aforesaid writ petition, that is, W.P.(MD).No. 4018 of 2021 has come to be dismissed by an order of this court dated 01.03.2021, wherein the learned Single Judge has stated as follows :

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 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 has 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."

4. This order has not been challenged by the petitioner and in light of the same and in the interest of uniformity and consistency, the ratio of the same would apply on all fours to the present writ petition as well, which is dismissed. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

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 Principle Secretary,
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Fort St. George, Chennai - 600 009.
- 2.The Commissioner and Director,
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Central Administrative Building,
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- 3.The Assistant Director,
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Pudugramam, Tuticorin - 628 001.
- 4.The District Collector,
Tuticorin District, Tuticorin.

+1 CC to M/s.SPL GP (SR-35342[F] dated 22/11/2021)

W.P. (MD)No. 10628 of 2018

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