

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.P.Nos.254, 4412, 4415 and 4555 of 2020

W.P.No.254 of 2020:

1	Nandini Devi	
2	K.V.Anantha Kumar	
3	P.Vignesh	
4	K.Kaviyarasi	
5	S.Akshaya Devi	
6	P.Indhuja	
7	Hamsa Yamini	
8	G.Mohanapriya	
9	N.Khalander	
10	K.Praveen	
11	S.G.Sufeesh	..Petitioners

Vs

1	The Principal Secretary to Government of Tamil Nadu Dept. of Animal Husbandry, Dairying and Fisheries Fort St. George, Madras - 9.	
2	The Director of Animal Husbandry and Veterinary Service O/o. The Directorate of Animal Husbandry and Veterinary Service, D.M.S. Complex Anna Salai, Teynampet, Chennai - 18.	
3	The Tamil Nadu Public Service Commission Rep. by its Secretary, TNPSC Road VOC Nagar, Park Town, Chennai - 3.	..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for records on the file of the 1st Respondent in G.O.Ms.218, dated 26.11.2015 and that of the 3rd Respondent in Notification No.32/2019, dated 18.11.2019 prescribing Tamil as a compulsory language under Rule 6B in Class V and 4 (B)(b) respectively and

quash the same as unconstitutional, illegal, incompetent and without jurisdiction.

W.P.No.4412 of 2020:

Arvindraj

..Petitioner

Vs

- 1 The Principal Secretary to Government of Tamil Nadu
Dept. of Animal Husbandry,
Dairying and Fisheries
Fort St. George, Madras - 9.
- 2 The Director of Animal Husbandry and Veterinary Service
O/o. The Directorate of Animal Husbandry and
Veterinary Service,
D.M.S. Complex
Anna Salai, Teynampet,
Chennai - 18.
- 3 The Tamil Nadu Public Service Commission
Rep. by its Secretary,
TNPSC Road
VOC Nagar, Park Town,
Chennai - 3.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for records on the file of the 1st Respondent in G.O.Ms.218, dated 26.11.2015 and that of the 3rd Respondent in Notification No.32/2019, dated 18.11.2019 prescribing Tamil as a compulsory language under Rule 6B in Class V and 4 (B)(b) respectively and quash the same as unconstitutional, illegal, incompetent and without jurisdiction.

W.P.No.4415 of 2020:

- 1 Dr.V.Senthil Kumar
- 2 Dr.Gowri
- 3 Dr.S.Tina Roshini
- 4 Dr. Vaishnavi Mohan
- 5 Dr.Lakshmi Priya
- 6 Dr.R.Divisha

..Petitioners

Vs

- 1 The Principal Secretary to Government of Tamil Nadu
Dept. of Animal Husbandry,
Dairying and Fisheries
Fort St. George, Madras - 9.

2 The Director of Animal Husbandry and Veterinary Service
O/o. The Directorate of Animal Husbandry and
Veterinary Service,
D.M.S. Complex
Anna Salai, Teynampet,
Chennai - 18.

3 The Tamil Nadu Public Service Commission
Rep. by its Secretary,
TNPSC Road
VOC Nagar, Park Town,
Chennai - 3.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for records on the file of the 1st Respondent in G.O.Ms.218, dated 26.11.2015 and that of the 3rd Respondent in Notification No.32/2019, dated 18.11.2019 prescribing Tamil as a compulsory language under Rule 6B in Class V and 4 (B)(b) respectively and quash the same as unconstitutional, illegal, incompetent and without jurisdiction.

W.P.No.4555 of 2020:

Dr.V.Bhuvaneshwari

..Petitioner

Vs

1 The Secretary
Tamil Nadu Public Service Commission
TNPSC Road, VOC Nagar
Park Town,
Chennai - 600 003.

2 The Controller of Examinations
Tamil Nadu Public Service Commission
TNPSC Road, VOC Nagar
Park Town,
Chennai - 600 003.

3 The Director
Animal Husbandry and Veterinary Science
Integrated Animal Husbandry and Fisheries Complex
Veterinary Polyclinic Campus
571, Anna Salai, Nandanam
Chennai - 600 035.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for records of the impugned order passed by the 2nd respondent for Order ID No. OTRdedf7259215c and to quash the same as illegal

and arbitrary and consequently direct the respondents to accept the petitioner's application vide in Order ID No. OTR5dedf7259215c dated 9.12.2019 and permit the petitioner to appear and sit for the examinations to be conducted on 23.2.2020 for selection to the post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Service and to participate in all the recruitment procedures thereafter reserving one post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Service for the petitioner till the disposal of the writ petition.

For the Petitioners in : Mr.V.Raghavachari
W.P.Nos.254, 4412,
4415 of 2020

For the Petitioner in : Ms.P.Lalitha Priya
W.P.No.4555 of 2020

For the Respondents 1 : Mr.P.Muthukumar
and 2 in W.P.Nos.254, State Government Pleader
4412, 4415 of 2020 and
3rd respondent in
W.P.No.4555 of 2020

For the 3rd respondent : Mr.V.Vaithiyalingam
in W.P.Nos.254, 4412, Standing Counsel
4415 of 2020 and
respondents 1 and 2 in
W.P.No.4555 of 2020

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

These writ petitions were filed to challenge the government order dated 26.11.2015 and the notification dated 18.11.2019 prescribing Tamil as a compulsory language under Rule 6B in Class V and 4B(b) to qualify for the post and to quash the same.

2.These writ petitions were filed when pursuant to the government order and the Rule, the petitioners were treated to be ineligible for the post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Service.

3.During the pendency of the writ petitions, the Rule was amended and now it would be governed by the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, whereby the Tamil language in 12th standard would not be a precondition for appointment.Rather, by the government order dated 28.6.2021,

the Rule challenged by the petitioners has been amended.

4. Taking the aforesaid into consideration, a detailed order was passed by this court on 27.6.2022 to find out whether the government order to amend the rule under challenge would apply prospectively or retrospectively. It is for the reason that selections in question were made prior to the amended government order. However, as it was brought to the notice of the court that the respondents kept equivalent number of posts vacant during the pendency of the writ petitions, as an exception and without taking it to be a precedent, the respondents were directed to seek instructions as to whether the petitioners, who were successful in the selection, can be given appointment.

5. It is stated by learned State Government Pleader that six petitioners would qualify for selection and, accordingly, the government order would be issued within a period of two weeks so that they may be subsequently given appointment, leaving those candidates who remain unsuccessful.

6. In view of the statement aforesaid, these writ petitions are disposed of with a direction that the government order for the appointment of six successful candidates would be issued within a period of two weeks, followed by appointment orders on the post of Veterinary Assistant Surgeon. The direction aforesaid has been given on the facts of this case, which are exceptional, and thereby it would not be taken to be a precedent for any other recruitment.

There will be no order as to costs. Consequently, W.M.P.Nos.5479, 5220, 297, 5215, 5476 and 5478 of 2020 are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Principal Secretary to Government of Tamil Nadu
Dept. of Animal Husbandry,
Dairying and Fisheries
Fort St. George, Madras - 9.

- 2 The Director of Animal Husbandry and Veterinary Service
 O/o. The Directorate of Animal Husbandry and
 Veterinary Service,
 D.M.S. Complex
 Anna Salai, Teynampet,
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- 3 The Secretary
 Tamil Nadu Public Service Commission
 TNPSC Road, VOC Nagar,
 Park Town, Chennai - 3.
- 4 The Controller of Examinations
 Tamil Nadu Public Service Commission
 TNPSC Road, VOC Nagar
 Park Town,
 Chennai - 600 003.
- 5 The Director
 Animal Husbandry and Veterinary Science
 Integrated Animal Husbandry and Fisheries Complex
 Veterinary Polyclinic Campus
 571, Anna Salai, Nandanam
 Chennai - 600 035.

+1cc to Mr.V.Vaithiyalingam, Advocate, S.R.No.45839
+3cc to Mr.V.Raghavachari, Advocate, S.R.No.45166, 45167, 45168
+1cc to the Government Pleader, S.R.No.45532

W.P.Nos.254, 4412, 4415 and 4555 of 2020

SKM(CO)
RGA(26/07/2022)