



WP.No.32790 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

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and

W.M.P.Nos.32208 and 32209 of 2022

1. Dr.D.Logeshkumar
2. Dr.J.Mathiazhagan
3. Dr.T.Kannapiran
4. Dr.A.Alwin Nishanth
5. Dr.P.Vignesh
6. Dr.S.Lakshmanan
7. Dr.V.Anbarasan
8. Dr.V.Kathirvel
9. Dr.V.Anuraj Kumar
10. Dr.J.Mahendran
11. Dr.K.Anbarasu
12. Dr.N.Padmanaban
13. Dr. C.Jothi
14. Dr.P.Vignesh
15. Dr.R.Kavinilavan
16. Dr.J.B.Simija

.. Petitioners

Vs.

1. The Secretary to the Government,
Animal Husbandry and Veterinary Services,
Secretariat, Fort St.George, Chennai-600 009



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2. The Director,
Directorate of Animal Husbandry and
Veterinary Services, Anna salai, Nandanam,
chennai- 600 035

3. The secretary,
Tamil Nadu Public Service commission,
V.O.C. Nagar Park Town, Chennai- 600 003 .. Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to fill the vacancies from the reserve list drawn by the respondents published by the 3rd respondent dated 15.02.2021 and appoint the petitioners as Veterinary Assistant Surgeons in accordance with Notification No. 32/ 2019 dated 18.11.2019 occasioned due to the Non- Joining duty of Selected candidates, Selected candidates leaving the service and cancellation of provisional selection of the selected candidates for any reason.

For Petitioners	:Mr.V.Raghavachari
For Respondents 1 and 2	: Mr.Stalin Abimanyu Additional Government Pleader
For Respondent 3	: Mr.R.Bharanidharan Standing counsel

ORDER

The petitioners' grievance in this writ petition is that even though their names are found in the reserve list, the respondents are now attempting to



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issue a fresh recruitment Notification.

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2. Heard Mr.V.Raghavachari, learned counsel for the petitioners, Mr.Stalin Abimanyu, learned Additional Government Pleader for the respondents 1 and 2 and Mr.R.Bharanidharan, learned Standing counsel for the 3rd respondent.

3. The learned counsel for the petitioner drew the attention of this Court to the procedure to be followed by the Tamil Nadu Public Service Commission as per their Office Order No.134, dated 12.11.2020. The relevant portions, which the learned counsel for the petitioner relied upon are extracted hereunder :-

" (1) Section 3 (u) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, states as follows:

"Reserve list" means a list which is prepared so as to contain not less than twenty five percent of the candidates of each reservation group including General Turn in the regular list and shall be in force until the regular list is drawn up subsequently.

(2) The fifth proviso to section 27 (f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, states as follows:



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Provided also that when a candidate selected for appointment against a vacancy for Scheduled Castes, Scheduled Tribes, Most Backward Classes/Denotified Communities, Backward Classes, Backward Class Muslims or General Turn, does not join duty in the post for which he is appointed or his provisional selection for that post is cancelled for any reason, a candidate in his place shall be appointed from the respective category and in accordance with the ranking from the reserve list."

4. The learned counsel for the petitioner also drew the attention of this Court to the selection list(reserve list), where the register number of the respective petitioners are found which has been marked in blue. According to him, the respondents are now attempting to give a go by to the aforementioned office order No.134, dated 12.11.2020 by issuing a fresh Notification instead of considering the selected list as per the reserve list published by the respondents. Necessarily, the respondents will have to adhere to the rules, which they have framed. The learned counsel for the petitioner is satisfied, if this Court directs the respondents to adhere to their own rules and complete the selection process.



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5. The learned Government Advocate appearing for the respondents has also not raised any serious objection if such a direction is passed by this Court.

6. Accordingly, this writ petition is disposed of, by directing the respondents to strictly adhere to their own rules while finalizing the selection to the post of Veterinary Assistant Surgeons, as per the recruitment Notification No.32 of 2019, dated 18.11.2019. No costs. Consequently, connected miscellaneous are closed.

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Index : Yes / No
Internet : Yes/ No

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To

1. The Secretary to the Government,
Animal Husbandry and Veterinary Services,
Secretariat, Fort St.George, Chennai-600 009
2. The Director,
Directorate of Animal Husbandry and
Veterinary Services, Anna salai, Nandanam,
chennai- 600 035
3. The secretary,
Tamil Nadu public service commission,
V.O.C. Nagar Park Town, Chennai- 600 003

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