



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.8127 of 2022

and WMP(MD) No.6055 of 2022

N.Jegan

... Petitioner

Vs.

- 1.The Government of Tamilnadu
Represented by its Secretary
Department of Animal Husbandry, Dairying and fisheries
Fort St. George,
Chennai.
 - 2.The Director of Animal Husbandry and Veterinary Services
Chennai.
 - 3.The Joint Director of Animal Husbandry and Veterinary Services,
Kanyakumari District
Nagercoil.
- ... Respondents

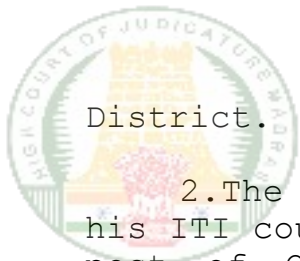
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 18.04.2022 and thereby direct the respondent to publish the result for the interview dated 11.01.2017 as per the order of this Court in W.P. (MD) No.24 of 2017 and if he is selected, the respondent may issue appoint order for the post of office assistant in BC category at Kanyakumari District.

For Petitioner : Mr.G.Cenil

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

The relief sought for in the writ petition is to direct the second respondent to consider the petitioner's representation dated 18.04.2022 and direct the respondents to publish the result for the interview dated 11.01.2017 as per the order of this Court in W.P. (MD) No.24 of 2017 and if selected, the respondent may issue appoint order for the post of office assistant in BC category at Kanyakumari



District.

2. The petitioner states that he completed 10th standard and did his ITI course. Pursuant to the notification for recruitment to the post of Office Assistant for the year 2015-16, the petitioner submitted the application and participated in the process of selection. The interview was scheduled to be held on 26.02.2016 at 9.00 a.m. However, the petitioner received the interview call letter only on 26.02.2016 and therefore, he could not able to travel 150 kms., and participate in the process of interview. He filed W.P.No.24/2017 and this Court passed an order on 03.01.2017 permitting the petitioner to participate in the interview, which is to be conducted separately by the respondents. Accordingly, the petitioner participated in the interview.

3. The grievance of the petitioner is that though he participated pursuant to the orders of this Court passed in W.P.No.24/2017, the results were not declared and thereafter, the petitioner filed contempt petition, which was also closed. Thus, the petitioner is constrained to move the present writ petition.

4. The learned Additional Government Pleader objected the said contention by stating that no doubt, notification issued in the year 2017, the petitioner participated in the process of selection and as rightly pointed out he has not attended the interview and pursuant to the orders of this Court, a special interview was conducted to the writ petitioner. Meanwhile, the Government took a decision to cancel the entire process of selection and accordingly, 2017 recruitment was cancelled as a whole. In the year 2018, a fresh recruitment notification was issued and the petitioner also submitted an application and he was called for an interview. If at all the petitioner succeeds in the 2018 recruitment, he will be selected in accordance with the procedure contemplated under law. However, the relief sought for with reference to 2017 notification, became infructuous, as the entire selection was cancelled by the Government.

5. In the contempt petition filed by the petitioner in Cont.P (MD) No.1284/2017, this Court passed an order on 29.03.2019 stating that all further proceedings in respect of the notification of the year 2017 has been dropped by the authorities. Therefore, the contempt petition itself was closed on the ground that the notification itself was cancelled by the competent authorities.

6. This Court is of the considered opinion that the very relief sought for by the petitioner to declare the results would not arise in view of the fact that the entire process of selection was cancelled by the Government and a fresh recruitment notification was issued in the year 2018 and it is irrelevant, whether the petitioner has participated in the subsequent notification or not, but the relief sought for cannot be granted. Accordingly, the writ



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W.P.(MD)No.8127 of 2022

petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To:

- 1.The Secretary
Department of Animal Husbandry, Dairying and fisheries
Fort St. George,
Chennai.
 - 2.The Director of Animal Husbandry and Veterinary Services
Chennai.
 - 3.The Joint Director of Animal Husbandry and Veterinary Services,
Kanyakumari District, Nagercoil.
- +1 CC to M/s.G. CENIL, Advocate (SR-21369[F] dated 26/04/2022)
- +1 CC to M/s.SPL.GP (SR-22376[F] dated 28/04/2022)

W.P. (MD)No.8127 of 2022

26.04.2022

RD(17.05.2022) 3P 6C