



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.03.2022

CORAM:

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

**W.P. (MD)No.14221 of 2020 and**

**W.M.P.Nos.11881 and 11882 of 2020**

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R.Richard Raj

... Petitioner

Vs.

1.The State of Tamil Nadu

Represented by the Secretary to Government  
Animal Husbandry, Dairying & Fisheries Department  
Fort St. George, Chennai 600 009.

2.The Director,

Directorate of Animal Husbandry & Veterinary  
Services, No.571 Anna Salai  
Nandanam, Chennai 600 035.

3.D.Gopu

4.S.Ganapathi Maran

5.S.Ramachandran

6.Dr.C.Narayanan

7.Dr.N.gopi Krishna

8.A.Seithoon

9.S.Malayaman Thirumudikkarai

10.Dr.S.Baskar

11.C.Padmanaban

12.Dr.K.Chinnasamy

13.R.Karthikeyan

14.R.Radhakrishnan

15.Dr.M.Subbaiyan

16.Dr.A.Maruthai Raju



17.Dr.A.Selvaraj

18.Dr.T.Murugesan

... Respondents

(R3 to R17 are impleaded vide  
Court order dated 22.02.2021 in WMP  
No.2711/2021)

**PRAYER:** Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in respect of the impugned order contained in Roc.No.8639/C1/2020 dated 10.03.2020 issued by the 2<sup>nd</sup> respondent and quash the same and consequently direct the respondents to prepare a fresh panel based on the merit list of candidates in terms of marks scored in TNPSC examinations for promotion to the post of Deputy Director.

For Petitioner : No appearance

For Respondents : Mr.C.Venkatesh Kumar for  
R3 to R18 for  
M/s.Ajmal Associates  
Mr.Veera Kathiravan  
Additional Advocate General  
assisted by  
Mr.A.K.Manikkam for R1 & R2  
Special Government Pleader

**ORDER**

The panel of Assistant Directors of Animal Husbandry found fit for promotion to the post of Deputy Directors of Animal Husbandry as on 01.07.2019 was published by the Directorate in proceedings dated 10.03.2020. The said panel for promotion is under challenge in the present writ petition.

2. The petitioner claims that the panel must be prepared based on the merit list of candidates in terms of marks scored in TNPSC examinations for the appointment to the post of Deputy Director. However, the learned Additional Advocate General drew the attention of this Court with reference to the judgment of the Hon'ble Division Bench, which was confirmed by the Hon'ble Supreme Court of India in the matter of finalization of seniority and preparation of consequential panel. The judgment in the case of K.Raja and others v. Additional Chief Secretary to Government and others reported in 2019 SCC Online Madras 9129 reveals that the Division Bench adjudicated the issues regarding seniority and panel and the concluding paragraph is extracted hereunder:

“38.Conclusion:

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



38.1. In the light of the discussion and the findings hereinabove, the following conclusion is arrived at:

i.Sections 1(2), 40 and 70 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, are declared as ultra vires and unconstitutional;

ii.The respondents are directed to redo the exercise of fixation of seniority within a period of 12 weeks from the date of receipt of a copy of this order;

iii.Delay, laches, acquiescence and accrued right are the factors to be considered by the Court when similar reliefs are sought for in future;

iv.W.P.Nos.1147, 5735, 22852, 34311, 34312 of 2017, 7511, 8718 to 8720, 18725, 26442 and 31156 of 2018 are allowed;

v.W.A.No.2610 of 2019 is also allowed;

vi.W.P.Nos.998 of 2017 and 10021 of 2018 stands disposed of with a direction that the petitioners are entitled to the benefit conferred under the order of the Division Bench in Santhosh Kumar's case;

vii.W.P.No.6649 of 2017 stands allowed with respect to the consequential relief sought for;

viii.Consequently, the respondents are directed to refix the seniority within a period of twelve weeks from the date of receipt of a copy of this order; and

ix.W.P.Nos.11150, 11151 and 22136 of 2018 are dismissed."

3. Referring the above judgment, the learned Additional Advocate General reiterated that even the delay and laches is also a ground to seek revision of seniority. In the present case, the seniority list was published long back and the issues regarding seniority were settled. Thus, the seniority cannot be unsettled after a lapse of many years.

4. This Court is of the considered opinion that all these issues deserve no adjudication at that point of time in the present writ petition, in view of the fact that the petitioner has challenged only the panel dated 10.03.2020 and not challenged the seniority list. As far as the panel of Assistant Director fit for promotion to the post of Deputy Director as on 01.07.2019, is concerned, the validity of the panel is for one year. Now, two years have lapsed. Therefore, the panel cannot be acted upon and it stands lapsed. However, the authorities competent are empowered to prepare a fresh panel by following the procedures as contemplated and in adherence to the seniority, as expeditiously as possible in the interest of public administration. Thus, the petitioner is not entitled for any relief as sought for in the writ petition and accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.



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**W.P.(MD)No.14221 of 2020 and**

Sd/-  
Assistant Registrar (CS III)

// True Copy //

/ /2022  
Sub Assistant Registrar(CS)

RR

To

1.The Secretary to Government  
Animal Husbandry, Dairying & Fisheries Department  
Fort St. George, Chennai 600 009.

2.The Director,  
Directorate of Animal Husbandry & Veterinary  
Services, No.571 Anna Salai  
Nandanam, Chennai 600 035.

+3 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-13367[F] dated  
22/03/2022 )

+1 CC to M/s.SPL GP ( SR-13894[F] dated 23/03/2022 )

**W.P. (MD)No.14221 of 2020**  
**21.03.2022**

WSN(CO)  
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