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W.P.No.22880 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.22880 of 2022 and
W.M.P.Nos.21906 & 21907 of 2022

P.Gunasekaran

... Petitioner

Versus

1.The Commissioner,
Commissionerate of Animal Husbandry and
Veterinary Services,
Veterinary Hospital Compound,
Nandanam,
Chennai- 600 035.

2.The Regional Joint Director,
Department of Animal Husbandry,
Dharmapuri.

3.The Assistant Director,
District Employment Office,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ, order or direction in the nature of a Writ of Certiorarified Mandamus to call for the records relating to the entire recruitment process dated 27-04-2022 conducted by the 2nd respondent for the post of Assistant in Department of Animal Husbandary and Veterinary Service and to quash the same, consequently direct the 2nd respondent to conduct fresh recruitment for the said same post by following due procedures for recruitment within a stipulated time.



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For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records relating to the entire recruitment process, dated 27.04.2022 conducted by the 2nd respondent for the post of Assistant in Department of Animal Husbandry and Veterinary Service and to quash the same, consequently, direct the 2nd respondent to conduct fresh recruitment for the said same post by following due procedures for recruitment within a stipulated time.

2.The grievance of the Writ Petitioner is that he has applied for the post of Assistant in the Department of Animal Husbandry and Veterinary Service. The 3rd respondent has sponsored the seniority list including the petitioner's name and the 2nd respondent has selected the eligible candidates based on the employment exchange. Thereafter, the petitioner was issued with the hall ticket, dated 07.04.2022 calling for certificate verification to produce all original educational certificates, accordingly, the petitioner produced all the certificates available on 23.04.2022. All of a sudden, the 1st respondent in his communication in Na.Ka.No.53288/N1/2017, dated



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27.04.2022 has stalled the personal interview and other related process for the recruitment of post of Assistant in the 2nd respondent Department. On the contrary, the District Collector, Dharmapuri has presented appointment orders to 27 candidates who were selected for the post of Assistant in the 2nd respondent Department. As per the reply under the Right to Information Act, 2005, it is informed that 27 candidates are appointed only on the basis of the marks secured in the personal interview and skill test. Hence, it is the contention of the petitioner that the entire selection process is arbitrary and discriminatory, therefore, he challenges the same.

3.The 3rd respondent has filed counter and stated that merit takes precedence over seniority in recruitment process and the seniority list sent by the employment office is in addition to the application received from open competition and there is no compulsion to select only on seniority basis, but is bound by their own selection process which varies from recruiter to recruiter.

4.It is the contention of the learned counsel for the petitioner that though the petitioner has produced all the relevant certificates, he has not



been selected for the post of Assistant in the 2nd respondent Department.

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5.The Learned Special Government Pleader appearing for the respondents submitted that the qualified persons are selected only on the basis of the marks secured in the personal interview and skill test, therefore, on vague allegations, this Writ Petition has been filed.

6.Heard the submissions of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the entire materials.

7.Merely because the petitioner has not been selected, the entire selection list cannot be questioned by him since he was not qualified on merits. Even in the entire affidavit, there is no material whatsoever available with regard to illegality committed in the selection process for the post of Assistant in 2nd respondent Department. Further, the reply under the Right to Information Act, 2005 will not be a cause of action for the petitioner to challenge the entire selection unless there is strong material for illegality committed in the selection process.



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8.In such view of the matter, I do not find any merit in this Writ

Petition and the same is deserved to be dismissed and, is dismissed.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

04.08.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To

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N.SATHISH KUMAR, J.
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