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W.P.No.36103 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

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

W.P.No.36103 of 2023  
& WMP.No.36062 of 2023

Dr.Radha

... Petitioner

*Vs.*

- 1.Tamil Nadu Public Service Commission,  
Rep. by its, Secretary,  
V.O.C. Nagar, Park Town,  
Chennai-600 003.
- 2.The Director of Animal Husbandry and Veterinary Services,  
Directorate of Animal Husbandry and Veterinary Services,  
Integrated Animal Husbandry and  
Fisheries Department Office Complex,  
571, Anna Salai, Nandanam,  
Chennai – 600 035.
- 3.The Commissioner of Animal Husbandry  
and Veterinary Services,  
Integrated Animal Husbandry and  
Fisheries Department Office Complex,  
571, Anna Salai, Nandanam,  
Chennai – 600 035.
- 4.The Regional Joint Director,  
Animal Husbandry Department,  
Nagapattinam.



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5. The Assistant Director,  
Animal Husbandry Department,  
Nagapattinam.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to permit the petitioner herein to continue her service as the Veterinary Assistant Surgeon with the scale of pay of Rs.56,100-2,50,700 (Level 22) under Rule 10a(i) and 10A of the Tamil Nadu State Subordinate Service Rules till the outcome of the Criminal case pending against her before the Chief Judicial Magistrate, Ramanathapuram, in Spl.C.C.No.5 of 2014 without filling up the post to the petitioner's present place in the process of selection that is to be carried out by the 1<sup>st</sup> respondent as per Notification No.34/2022; dated 18.11.2022.

For Petitioner : Mr.S.Senthil  
For Respondents : Mr.I.Abrar MD. Abdullah (R1)  
Standing Counsel  
Mrs.V.Yamuna Devi (R2 to R5)  
Special Government Pleader

### **ORDER**

With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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2. The limited prayer sought for in the present Writ Petition is for a direction to the respondents to permit the petitioner herein to continue her service as the Veterinary Assistant Surgeon with the scale of pay of Rs.56,100-2,50,700 (Level 22) under Rule 10a(i) and 10A of the Tamil Nadu State Subordinate Service Rules till the outcome of the Criminal case pending against her before the Chief Judicial Magistrate, Ramanathapuram, in Spl.C.C.No.5 of 2014 without filling up the post to the petitioner's present place in the process of selection that is to be carried out by the 1<sup>st</sup> respondent as per Notification No.34/2022; dated 18.11.2022.

3. This Court is of the view that such a claim requires to be considered by the concerned respondent and this Court may not be justified in stepping into the shoes of the respondent to consider the same. Nevertheless, if the petitioner is granted liberty to give a representation to the respondents herein, seeking to permit the petitioner herein to continue her service as the Veterinary Assistant Surgeon with the scale of pay of Rs.56,100-2,50,700 (Level 22) under Rule 10a(i) and 10A of the Tamil Nadu State Subordinate Service Rules till the outcome of the Criminal



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case pending against her before the Chief Judicial Magistrate, Ramanathapuram, in Spl.C.C.No.5 of 2014 without filling up the post to the petitioner's present place in the process of selection that is to be carried out by the 1<sup>st</sup> respondent as per Notification No.34/2022; dated 18.11.2022 with a consequential direction to the respondents to consider the same within a stipulated time, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to give a representation to the respondents, ventilating his grievances and on receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of two (02) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the concerned respondent to consider it on its own merits.

5. With the above direction, the Writ Petition stands disposed of.



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No costs. Connected Miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order

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**M.S.RAMESH,J.**



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