



W.P(MD)No.3136 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3136 of 2023

and

W.M.P.(MD)No.2914, 2915 & 11207 of 2023

A.Vasu

... Petitioner

Vs.

1.The Director,
Animal Husbandry and Medicine,
Saidapet,
Chennai-600035.

2.The Regional Joint Director,
Animal Husbandry Department,
Madurai-20.

3.The Assistant Director,
Department of Animal Husbandry,
Oomatchikulam,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the first respondent in Na.Ka.No. 23461/E2/2022-1, dated 27.01.2023 and quash the same as illegal and consequently, place the petitioner's name as No.1 in the serial number out of the vacant post 121.



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For Petitioner : M/s.N.Juliet Latha

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.G.Suriyananth
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents.

2. The writ petitioner joined the Animal Husbandry Department as assistant in the year 2008. When departmental candidates were identified for being sent for 11 months training as Life Stock Inspector Grade II in the year 2017, the petitioner was not chosen. Hence, the petitioner filed W.P.(MD)No.23735 of 2019. The objection raised by the department was that the petitioner did not possess the requisite remaining service of five years post training had such training been given to him. The objection raised by the department was rejected by the learned Judge in the following terms:-



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“6. I am unable to accept this submission, since the delay in training is attributable solely only to the respondents. Had they been sent for training in 2017 when they had indicated their eligibility and willingness, the present situation would not have arisen.

7. In view of the fact their disentitlement is a consequence of the lethargy of the respondents and the fact that they were not prompt in sending the petitioners for the requisite training, the bar as set out by the respondent now is seen merely as an afterthought, and cannot be accepted. That apart, the age of superannuation has in 2021 been increased to 60 years and as a fact, the bar of, inadequate service is not attracted. The tentative submission of the respondents that the benefit of the age extension (to 60 years) would not be available to the petitioners is rejected outright as baseless.

8. Admittedly, the petitioners would, in light of the extension in age, be in service till 2027 and will thus hold the requisite period of service of five years post training.

9. The impugned orders in their cases are set aside with all service consequences to follow. Necessary orders in line with the directions as above be issued within a period of four weeks from today.”

3. It is stated that the orders have been reserved in the writ appeal at the admission stage. The petitioner's counsel would strongly contend that the petitioner must be sent for training that is now proposed to be held pursuant to the communication of the Government issued on 29.12.2022. But the said communication has been set aside by me today



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in W.P.(MD)No.7713 of 2023. Therefore, the question of entertaining the petitioner's request may not really arise. In any event, the petitioner may work out his rights in the manner known to law after the disposal of the writ appeal.

4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Director,
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G.R.SWAMINATHAN, J.

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