



W.P.(MD) No.3632 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.3632 of 2023 and
WMP(MD) Nos.3396 and 3398 of 2023

P.Parthiban

... Petitioner

-VS-

1.The Government of Tamilnadu
rep. By its Secretary to Government
Animal Husbandry and Dairying and
Fisheries Department
Secretariat, Fort St. George,
Chennai 600 009.

2.The Director of Animal Husbandry and
Veterinary Services,
No.571 Anna Salai
Nandanam, Chennai.

3.The Chairman,
Tamilnadu Public Service Commission,
Service Commission Road,
Park Town
Chennai 600 003.

... Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified mandamus to call for the records relating to the impugned notification 34/2022 dated 18.11.2022 issued by the 3rd respondent and quash the fixation of 731 Veterinary Assistant Surgeons made without appointments candidates from the reserved list of selected candidates in the notification 32/2022 and thereby direct the respondents 1 and 2 to appoint the petitioner as Veterinary Assistant Surgeon in the reserve list in the 118 regular vacancies pursuant to the notification No.32 of 2019 dated 18.11.2019 from reserve list as per the undertaking affidavit filed by the 1st respondent in CA No.4351 of 2016 dated 07.04.2022 on the file of the Supreme Court and appoint the petitioner within the time frame fixed by this Court.

For Petitioner	:	Mr.M.Jerin Mathew
For Respondents	:	Mrs.K.Christy Theboral for R1&R2 Addl.Government Pleader Mr.J.Anandkumar for R3

ORDER

The petitioner has filed this writ petition challenging the impugned notification 34/2022 dated 18.11.2022 issued by the 3rd respondent and for a direction to the respondents 1 and 2 to appoint the petitioner as Veterinary Assistant Surgeon in the reserve list in the 118



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regular vacancies pursuant to the notification No.32 of 2019 dated 18.11.2019 from reserve list as per the undertaking affidavit filed by the 1st respondent in CA No.4351 of 2016 dated 07.04.2022 on the file of the Supreme Court.

2.The case of the petitioner is that he completed B.V.Sc., from Madras Veterinary College in the year 2011 and M.V.Sc., in the year 2017 and completed the national eligibility test in the year 2019 by obtaining 45.56% marks. He was working as Veterinary Assistance Surgeon as temporary candidate in the Animal Intelligence Unit at Madurai. Pursuant to the Notification dated 18.11.2019, inviting application to the post of Veterinary Assistant Surgeon to fill up 1141 vacancies, the petitioner applied for the same. In the said selection list, the petitioner's name was found place in the reserved list. In the pending litigation before the Supreme Court, the 1st respondent has stated that 573 persons are working under 10(a)(i) category. It is the case of the petitioner that in the notification, it was informed that 636 persons are working in the said category. If there are 573 persons working as stated before the Supreme Court, since the



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petitioner's name is found in the reserved list, he ought to have been considered. Therefore, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that though the petitioner has filed this writ petition challenging the impugned notification, the learned counsel restricted his prayer to the effect that a direction may be issued to the first respondent to consider the representation made by the petitioner on 23.09.2022.

3. Heard the learned Additional Government Pleader for the respondents 1 and 2 and the learned standing counsel for the 3rd respondent on the above submissions.

4. In view of the limited relief as sought for by the petitioner, without interfering with the impugned notification and the claim made by the petitioner, this writ petition is disposed of by directing the 1st respondent to consider the representation of the petitioner dated 23.09.2022 and pass



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orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order enabling the petitioner to work out his remedy in the manner known to law. No costs. Consequently connected Miscellaneous Petitions are closed.

22.02.2023

NCC : Yes/No
Index : Yes/No
RR

To

- 1.The Secretary to Government
Animal Husbandry and Dairying and
Fisheries Department
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Director of Animal Husbandry and
Veterinary Services,
No.571 Anna Salai
Nandanam, Chennai.
- 3.The Chairman,
Tamilnadu Public Service Commission,
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M.DHANDAPANI, J.

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