



W.P.(MD).No.23180 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23180 of 2023

Y.Valavan

... Petitioner

Vs.

1.***

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

... Respondents

*(First respondent's name is deleted from the cause-title
in W.P(MD)No.23180 of 2023, vide order, dated
22.09.2023)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation, dated 27.08.2023 and also to consider the claim of the petitioner for allowing him to continue in the post of Veterinary Assistant Surgeon with pay protection (regular time scale of pay) till the date of his retirement on attaining the age of superannuation, without even retirement or pensionary benefits.



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For Petitioner : Mr.S.Suresh Manickam

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents herein to consider the petitioner's representation, dated 27.08.2023 and also to consider the claim of the petitioner for allowing him to continue in the post of Veterinary Assistant Surgeon with pay protection (regular time scale of pay) till the date of his retirement on attaining the age of superannuation, without even retirement or pensionary benefits.

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

3. At the instance of the learned Additional Government Pleader for the respondents, the first respondent's name is deleted from the cause title.

4. The petitioner is a qualified B.V.Sc doctor and he had registered his name to the executive with the employment exchange. During the year 2011,



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the then Government appointed 843 numbers of Assistant Veterinary Surgeon through employment exchange and the petitioner was appointed in the said post under Rule 10(a)(i) of the State and Subordinate Service Rules. While so, vide G.O(Ms)No.104, dated 20.05.2014, Animal Husbandry, Dairying and Fisheries (AH-7) Department took a policy decision to subject all the temporary appointment of Veterinary Assistant Surgeon to appear in a special qualifying examination to be conducted by the TNPSC and regularised them with a concurrence of TNPSC, subject to the clearing of special qualifying examination by them. That apart, a separate notification was also issued for open market candidates for the said competitive examination. The petitioner has completed 12 years of service in the post of Assistant Veterinary Surgeon. Hence, he had made a representation to the respondents on 27.08.2023 to permit him to continue in the post of Assistant Veterinary Surgeon with pay protection till the date of his retirement. However, the same was not considered. Hence, this writ petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or



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other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the second respondent to consider the petitioner's representation, dated 27.08.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

22.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

Note: Registry is directed to carry out the necessary amendment in the cause-title.



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WEB COPY

- To
- 1.The Director,
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No.571, Anna Salai, Nandhanam,
Chennai.



WEB COPY



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L.VICTORIA GOWRI, J.

BTR

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