



W.A.(MD)No.1514 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1514 of 2022
and
CMP(MD)No.12686 of 2022**

- 1.V.Selvendran
- 2.Dr.K.Ragu
- 3.Dr.P.Chinnamaruthupandy
- 4.Dr.A.P.R.Babuji
- 5.Dr.K.Selvam
- 6.Dr.Vijayabaskar
- 7.Dr.P.Karunakaran
- 8.Dr.N.Murugarajan
- 9.Dr.J.Sudhakar,
- 10.Dr.M.Chinnaduraipandian
- 11.Dr.K.Mariappa

: Appellants

Vs.

- 1.The Secretary to the Government,
Department of Animal Husbandry and Veterinary Services,
Secretariat,
St. George Fort,
Chennai.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.



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3.The Commissioner,
Animal Husbandry and Veterinary Services,
Nandanam,
Chennai – 9.

4.The Secretary to the Government,
Human Resources Management Department,
Secretariat, St. George Fort,
Chennai – 9.

5.Dr.G.Siyamsundar

6.Dr.S.Balamurugan

7.Dr.R.Navaneethakannan

8.Dr.g.Mohankumar

9.S.Rajamohan Paramasivam

10.Dr.G.Kameshkannan

11.Dr.M.Suresh

12.Dr.S.Arun

13.Dr.M.R.Ramakrishnan

14.Dr.M.Senthilkumar

15.Dr.N.Poongodi

16.Dr.B.Jose Chakkaravarthy

17.Dr.S.Karuppiah

18.Dr.A.Senthilkumar

19.Dr.K.Muruganandhan

20.Dr.T.Srinivasan

21.Dr.B.Rajesh

22.Dr.V.Thanikaivel

23.Dr.P.Sureshkumar

24.Dr.M.Murugesan

(R5 to R24 are impleaded vide order dated

01.03.2023 made in CMP(MD)No.1663 of 2023)

25.Dr.P.Elango

26.Dr.P.Mareeshwaran

27.Dr.N.Subburaj

28.Dr.M.Karthikeyaraja

29.Dr.V.Sakthivel

30.Dr.P.Balakumar



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- 31.Dr.P.Murali
- 32.Dr.J.Lakshmanan
- 33.Dr.T.Ponraj
- 34.Dr.N.Kathiravan
- 35.Dr.V.Asir Adwin
- 36.Dr.S.Selvaraj
- 37.Dr.A.Senthilkumar
- 38.Dr.M.Alamelu
- 39.Dr.K.Saravanan
- 40.Dr.N.Kumar
- 41.Dr.M.Chandrasekar
- 42.Dr.K.Somasundaram
- 43.Dr.G.Sundaramoorthy

(R25 to R43 are impleaded vide Court order dated
01.03.2023 in CMP(MD)No.1660 of 2023)

- 44.Dr.R.Sivaprakasam
- 45.Dr.A.Premkumar
- 46.Dr.J.Jeyamani
- 47.Dr.G.Alagirisamy
- 48.Dr.C.Boopathi
- 49.Dr.P.Bhagatsingh
- 50.Dr.R.Muthusamy
- 51.Dr.S.K.Ramesh
- 52.Dr.A.Annamalai
- 53.Dr.A.R.Ravikumar
- 54.Dr.U.Satheeshkumar
- 55.Dr.S.Amutha
- 56.Dr.R.Vijayakumar
- 57.Dr.M.Thiyageeswaran
- 58.Dr.R.Murugesan
- 59.Dr.M.Sankaranarayanan
- 60.Dr.C.Karuppuchamy
- 61.Dr.S.Karikalan
- 62.Dr.S.Thangapandian

(R44 to R62 are impleaded vide Court order
dated 01.03.2023 made in CMP(MD)No.1652/2023)

: Respondents/Respondents



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PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 09.12.2022 passed in W.P.(MD) No.27798 of 2022.

For Appellants : Mr.Raja Karthikeyan

For Respondents : Mr.S.P.Maharajan
Spl. Govt. Pleader for R1, R3 & R4

Mr.J.Anandkumar
Standing Counsel for R2

Mr.A.K.Baskara Pandian for R5 to R20
Mr.Raja for R21 to R62

COMMON JUDGMENT

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

A notification was issued by the Tamil Nadu Public Service Commission in order to recruit Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry and Veterinary Services. Being aggrieved by certain provisions in the notification, the petitioners, who are working as Veterinary Assistant Surgeons having been recruited under Rule 10 (a) (i) (temporarily), had come up with the writ petition.

2.The very notification calling for applications from eligible



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candidates was issued on 18.11.2022, pursuant to the order of the Hon'ble Supreme Court, dated 07.04.2022 made in Civil Appeal No.4351 of 2016. The said Civil Appeal also arose out of the proceedings launched by the temporarily recruited Veterinary Assistant Surgeons, who wanted to resist regular recruitment. The Government came up with the proposal to regularize the service of those temporarily recruited Veterinary Assistant Surgeons during the course of hearing before the Hon'ble Supreme Court. The Hon'ble Supreme Court rejected the said proposal and accepted an alternative proposal given by the Government to award weightage marks for those in-service candidates. Finally, the Hon'ble Supreme Court issued a direction regarding conduct of the examination. After the issuance of the notification, the petitioners have come up with this writ petition contending that the said notification is in violation of the directions of the Hon'ble Supreme Court. The violations pointed out are (i) notification itself has been issued beyond the time prescribed by the Hon'ble Supreme Court (ii) while the Hon'ble Supreme Court has directed conduct of examination only in two subjects, 3rd test, namely, Tamil Eligibility Test has been introduced by the Government of Tamil Nadu and (iii) the tests are to be conducted as computer based tests.

3.Mr.Raja Karthikeyan, learned counsel appearing for the appellants



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would vehemently contend that the delay in issuing the notification beyond the time prescribed by the Hon'ble Supreme Court, had the effect increasing the number of eligible candidates by more than 500, thereby, forcing these temporary appointees, who are aged above 50, to face stiff contest from freshers, who have just come out of college. He also added that the introduction of computer based tests puts lot of difficulties, inasmuch as they are not well versed in computers or their operation. The third grievance is that Tamil Eligibility Test has been introduced.

4.The Writ Court had dismissed the writ petition on the premise that it is open to the applicants to move the Hon'ble Supreme Court by way of contempt, if the petitioners feel that the order of the Supreme Court has not been fully and strictly adhered to. Before us also, the same contentions are reiterated. Of course, there is some delay in publication of the notification. The mandate issued by the Hon'ble Supreme Court to conclude the selection by 31.12.2022, has been breached. That by itself cannot, in our opinion, be a ground to set aside the order of the Writ Court.

5.Similarly, the other ground that has been raised is relating to the computer based test. Today, in the world of information technology, every



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examination has become digital and everything is moving towards digital world. Therefore, we cannot direct the Tamil Nadu Public Service Commission to conduct the examination in the ordinary mode. If the petitioners are aggrieved, it is open to them, to approach the Hon'ble Supreme Court to seek suitable modification.

6.Further, Introduction of Tamil Eligibility Test is also a policy decision of the Government of Tamil Nadu and it is a step towards improving the knowledge of the Tamil in people having their mother tongue as Tamil. We do not think that we can tinker with the selection process which will lead to us altering the orders of the Hon'ble Supreme Court, which we cannot to do.

7.Therefore, the writ appeal fails and the same is dismissed, leaving it open to the petitioners to approach the Hon'ble Supreme Court if the directions of the Hon'ble Supreme Court have been disobeyed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M.,J] (L.V.G.,J)
14.03.2023

skn
NCC : Yes/No
Index : Yes / No
Internet : Yes / No



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Chennai.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.
- 3.The Commissioner,
Animal Husbandry and Veterinary Services,
Nandanam,
Chennai – 9.
- 4.The Secretary to the Government,
Human Resources Management Department,
Secretariat, St. George Fort,
Chennai – 9.



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