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W.P.No.10159 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.10159 of 2021 and
W.M.P.No.15370 of 2021

M.Ayyadurai

... Petitioner

Vs.

1 The Secretary to the Government,
Animal Husbandry Dairying and Fisheries
Department, Secretariat,
Chennai- 9.

2 Director of Animal Husbandry
and Veterinary Service,
Veterinary Hospital Compound,
Saidapet, Chennai- 35

3 The Principal Secretary to the Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai- 9.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent authority to regularize the service period from 05.05.1995 to 19.08.2002 as a Veterinary Assistant Surgeon as given in the G.O.(2D).No.27, Animal Husbandry and Fisheries (AH 7) dated 05.07.2002, by considering the representation dated 05.11.2019 within a time frame to be fixed by this Court.

For Petitioner : No appearance



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For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a direction to the Respondents to regularize the service period from 05.05.1995 to 19.08.2002 as a Veterinary Assistant Surgeon as given in the G.O.(2D).No.27, Animal Husbandry and Fisheries (AH 7) dated 05.07.2002, by considering the representation dated 05.11.2019.

2. There is no representation for the petitioner.

3. The Writ Petitioner who has been appointed as a Livestock Inspector / Assistant Grade II, under the Tamil Nadu Animal Husbandry Dairying and Fisheries Department vide R.O.C.No.65706/A4/76, dated 21.12.1976 is qualified to be appointed to the post of Veterinary Assistant Surgeon from the year 1995. In the year 2002, a Government Order was issued in G.O.(2D) No.27, Animal Husbandry, Dairying and Fisheries Department, dated 05.07.2002, amending certain Special Rules for Tamil Nadu Animal Husbandry Service, 1987. As per the said amendments, those



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persons who are working as Live Stock Grade I, Grade II or both having service not less than 10 years of service and holding B.V.Sc., Degree can be recruited by transfer to the post of Veterinary Assistant Surgeon. The petitioner's service has been regularized and appointed on transfer as Veterinary Assistant Surgeon and to that effect orders have been issued on 07.08.2002.

4. Now, the petitioner has filed this petition stating that as he is qualified for the post of Veterinary Assistant Surgeon as early as in the year 1995 by acquiring B.V.Sc. degree and hence his service in the cadre of Veterinary Assistant Surgeon should be regularised from 05.05.1995. In this regard, the petitioner has given a representation on 05.11.2019 and the same has not been considered yet. Hence, this Writ Petition.

5. Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the Respondents submitted that the petitioner has been appointed as Veterinary Assistant Surgeon only on 07.08.2002 and that his services in the said cadre cannot be regularized any time earlier irrespective of the date of appointment.



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6. The petitioner's request is based only on the delay caused in the appointment for the post of Veterinary Assistant Surgeon. However, that will not confer any right upon the petitioner to seek regularization even before getting appointed in the post as Veterinary Assistant Surgeon on merits.

7. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vum

To:

- 1 The Secretary to the Government,
Animal Husbandry Dairying and Fisheries
Department, Secretariat,



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and Veterinary Service,
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R.N.MANJULA ,J.

vum



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