



W.P.No.35891 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35891 of 2023

and

WMP.Nos.35891 of 2023 & 1059 of 2024

1.Dr.K.Aravindan
2.Dr. V.P.Suthakar
3.Dr.P.Senapathi
4.Dr.S.Ayyappan
5.Dr.N.Sugavanam
6.Dr. V.Natarajan
7.Dr.P.Alamalarathan
8.Dr.P.Karthik
9.Dr.K.Jayaraju
10.Dr.K.Vijayakumar
11.Dr.T.Ponraj
12.Dr.K.Sureshkumar
13.Dr. V.Sathiyaraj
14.Dr.P.Sankarganesh
15.Dr.M.Senthilkumar
16.Dr.M.Thirumurthi
17.Dr.P.Arulmurgan
19.Dr.B.Anandaraj
19.Dr.K.Anbalagan

... Petitioners

Vs.

1.The Government of Tamilnadu,
Represented by the Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai 600 009



W.P.No.35891 of 2023

- 2.The Director,
The Office of Animal Husbandry & Veterinary Services,
No.571, Anna Salai, Nandanam,
Chennai 600 035
- 3.The Secretary,
TNPSC,
Flower Bazaar Road,
Parrys, Chennai-104
- 4.DR.A.R.ABBAS
- 5.DR.I.AADIL
- 6.DR.C.RAVIKUMAR
- 7.DR.K.DHANUSAADIITYAA
- 8.DR.S.RAMESH
- 9.DR.M.SUGUMAR
- 10.DR.M.THAMARAISELVI
- 11.DR.S.SANGAVAI
- 12.DR.K.SELVALAKSHMI
- 13.DR.M.S.ASWATH
- 14.DR.V.MOZHARASI
- 15.DR.M. VIMALKUMAR
- 16.DR.E. EBEN TITUS
- 17.DR.G. DHAARANI
- 18.DR.S.R.DHAYASUNDHAR
- 19.DR.M.SHANMUGASUNDARAM
- 20.DR.M.ARUN KUMAR
- 21.DR.N.NEELADEVI
- 22.DR.P.ESAIVANI
- 23.DR.R.DINESHKUMAR
- 24.DR.R.NAGULSAMY
- 25.DR.M.SUNILVARMA
- 26.DR.S.MUTHU MARI
- 27.DR.P.KOWSHALYA
- 28.DR.M.SIVARANJANI
- 29.R.M.AJAY ESWARR
- 30.DR. S. MANISHDA
- 31.DR.V.RAVI KUMAR
- 32.DR.S.GOKUL PRASATH
- 33.DR.S.DHIVIYA



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- 34.DR.R.SHANKAR
35.DR.S.MEHARAJ
36.DR.R.B.VENGHATESH
37.DR.J.PARTHIBAN
38.DR.M.PRIYA
39.DR.M.PRAKASH
40.DR.M.TAMILARASAN
41.DR.ABRAR BASHA MHS
42.DR.S.ASMITHA
43.DR.S.GEORGE IMMANUEL
44.DR.A.GOWSALYA
45.DR.K.HARI PRASAD
46.DR.R.ISHWARYA
47.DR.R.KARTHICK
48.DR.P.KARUPPAIYA
49.DR.S.KATHIRAVAN
50.DR.M.MARUTHA MUTHU
51.DR.G.NITHYA
52.DR.S.R.PRASHANTHINI
53.DR.K.RAJESH KUMAR
54.DR.K. RAJESHWARI
55.DR.M.RAJKUMAR
56.DR.T.RAMACHANDHRAN
57.DR.K.RAVIPRATHAP
58.DR.T.SABARI
59.DR.K.SELVAKUMAR
60.DR.SENTHAMILSELVI
61.DR.S.SIVA
62.DR.K.SIVASANKAR
63.DR.V.SUNDAR
64.DR.A.THAMIZHARASI
65.DR.V.UMANATH
66.DR.P. VALAVAN
67.DR.VANJIKODI
68.DR.R.VISHNU PRABHU
69.DR.V.KAVIVENDAN
70.DR.M.BABU
71.DR.K.A.SHOBICA



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- 73.DR.S.ABINAYA
- 74.DR.V.R.SANTHOSH
- 75.DR.K.KIRUBANANDHAN
- 76.DR.K. A T. RAJARAJAN
- 77.DR.R.AJAYLAKSHMAN
- 78.DR.K.R.PONSIVASHANKARI
- 79.DR.B.RAGUPATHI
- 80.DR.G.SATHISHKUMAR
- 81.DR.T.S.LOGASRI
- 82.DR.R.NARMATHA
- 83.DR.R. SIVARANJANI
- 84.DR.I.SHARMILA
- 85.DR.K. K. NIVETHITHA
- 86.DR.S.SONIA
- 87.DR.M.ARAVIND
- 88.DR.S.SANTHOSHKUMAR
- 89.DR.R.PRADEEPA
- 90.DR.K.KALAIYARASI
- 91.DR.S.SARAN
- 92.DR.A.MOHAMED ANAS
- 93.DR. L. MAYAVAN
- 94.DR.V.PRIYANKA
- 95.DR.S.SANKAVI
- 96.DR.P. SARANYADEVI
- 97.DR.R.SUBHA
- 98.DR.N.ELANGIA
- 99.DR.S.SUREKA
- 100.DR.A.AJITH KUMAR
- 101.DR.R.INDUMATHI
- 102.DR.MAHALAKSHMI
- 103.DR.THIRUNAVUKARASU
- 104.DR.R.KANAGARAJ
- 105.DR.P.TAMILVANI
- 106.DR.R.ARAVIND
- 107.DR.V.ARVIND
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- 109.DR.M.PRINCE



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115.DR.KISHOREKUMAR
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117.DR.M.AJITH
118.DR.R.AMIRDHAVALLI
119.DR.S.ANITHA
120.DR.R.ARUNESH KUMAR
121.DR.S.J.ARUNKUMAR
122. DR.R.ARUNTHATHI
123. DR.M.AYESHA
124.DR.BOSEGANDHI
125.DR.D.DHIVYABHARATHI
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128.DR.M.ELAVARASAN
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130.DR.R.GOKUL
131.DR.T.GOKUL
132.DR.T.V.HARI PRASAD
133.DR.K.HARSHA
134.DR.N.INDUMATHI
135.DR.J.JAYALAKSHMI
136.DR.J.KARTHIKEYAN
137.DR.S.MANORANJITHA
138.DR.C.MOUNIKA
139.DR.M.MUHAMMED NAWAZ
140.DR.S.MUKESH
141.DR.A.OVIYA
142.DR.K.PRADEEP
143.DR.M.POOVARASAN
144.DR.R.SASIREKA
145.DR.D.SIVA
146.DR.N.SONALI
147.DR.K.SRINIVASAN



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- 175.O. T.M.KOMARASAMY 4/48 THOTTIYAPALAYAM
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- 179.DR.M.PAVITHRA
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197.DR.D. NANTHAKUMAR
198.DR.S.PARAMESHWARI
199.DR.N.POOVITHA
200.DR.N.PRADHEEP
201.DR.N.P.PRADHEEP
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212.DR.D.SETHU PATHI
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251.DR.R.KAMALESH
252.DR.J.LOGANATHAN
253.DR.T.MANIKANDAN
254.DR.S.MAHI BALAN
255.DR.S.KARTHICK
256.DR.S.J.KOMATHI
257.DR.S.KARTHIKEYAN
258.DR.P.KALPANA
259.DR.L.KISHORE
260.DR.S.KOWSALYA
261.DR.S.KARTHIKEYAN



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263.DR.D.LEELAVATHI

264.DR.R.BHARATH

265.DR.M.ARUN

266.DR.S.NAVEEN KUMAR

267.DR.P.SRINESH

268.DR.S.MANIKANDAN

269.DR.M.PARTHEBAN

270.DR.A.KRISHNAPRIYA A

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272.DR.R.RAM PRASATH

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274.DR.S.SANDHANA KRISHNAN

275.DR.D.ABARNA

276.DR.D.ABIRAMI

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278.DR.P.GAYATHRI

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280.DR.D.BHARATHIRAJA

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295.DR.P.H.MOHAMMED YAHYA

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339.DR.S.GOBI
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344.DR.R.HAREESH
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352.DR.P. KUPPUSAMY
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354.DR.A. MAHABOOJOHN
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360.DR.A.S.OVIYAJEETHA
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362.DR.A.S.PRAVEENA
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365.DR.S.RAVIVARMAN
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371.DR.N.SIVAPRAKASAM
372.DR.M.SIVARAJ
373.DR.G.SOWMIYA
374.DR.S.SUDHARSAN
375.DR.R.SURYA



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377.DR.M.TAMILSELVAN
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379.DR.S.VIGNESHWARAN
380.DR.A.P.JANANI
381.DR.R.ARUN PRASATH
382.DR.S.SANJAY
383.DR.M. TAMILMANI
384.DR.B. SAKTHISIVAPRIYA
385.DR.D.P. VIJAYRAGHAVAN
386.DR A.VEDHIKA
387.DR.T.HEMALATHA
388.DR.N. VINOTHA
389.DR.M.MANISHA
390.DR.R.AMUTHAN
391.DR.R.KARTHIK
392.DR.M. VETRIVEL
393.DR.E.SIVAPRIYA
394.DR.P. RAMYA
395.DR.M.GOWTHAM
396.DR.R.R.RUBIGA
397.DR.M. NIVETHA
398.DR.A.RUBESH KUMAR

(Respondents 4 to 398 impleaded vide order
dated 08.01.2024 made in WMP.No.387 of 2024
in WP.No.35891 of 2023)

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the Respondents herein to consider the claim of the Petitioners for allowing them to continue in the post of Veterinary Assistant Surgeon with pay protection (regular time scale of pay) alone till the date of their retirement on attaining the age of superannuation without even retirement or pensionary benefits



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For Petitioners : Mr.L.Chandrakumar
for Mr.D.Senthilkumar

For Respondents
For R1 & 2 : Mr.S.Silambanan,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader

For R3 : Mrs.G.Hema,
Standing Counsel

For R4 to 398 : Mr.M.Santhanaraman

ORDER

This writ petition has been filed for direction to the respondents to consider for allowing the petitioners to continue in the post of Veterinary Assistant Surgeon with pay protection till the date of their retirement.

2. The petitioners had acquired their B.V.Sc. degree qualification and they registered their names in the Professional Executive Employment Exchange. During the year 2011, the Government had appointed 843 persons as Veterinary Assistant Surgeon through employment exchange in order to utilise their services under Rule 10(a)(i) of State and Subordinate Services Rules on 17.05.2012 as per GO.Ms.No.137 dated 14.11.2011. Thereafter, it



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was decided to subject all of them to appear in the Special Qualifying

Examination to be conducted by Tamilnadu Public Service Commission

(TNPSC) so as to enable them to get their services in the said post regularised

with the concurrence of TNPSC subject to their clearance in the examination.

Notification was proposed to be issued for competitive exam for all the

candidates in the open market. In the meanwhile, notification was issued on

18.11.2022 calling for applications from eligible candidates for selection and

appointment to the post of Veterinary Assistant Surgeon as directed by the

Hon'ble Supreme Court of India in order to fill the vacancies by the

notification No.34 of 2022. The Tamilnadu Public Service Commission

prescribed minimum marks required as 171 and other categories 228. The

petitioners have scored minimum qualifying marks. Therefore, the petitioners

submitted representation to permit them to continue their post of Veterinary

Assistant Surgeon till their retirement without even retirement or pensionary

benefits. While pending the writ petition, those who applied for the post of

Veterinary Assistant Surgeon as per the notification No.34 of 2022 dated

18.11.2022 filed petition to implead themselves as respondents and it was

allowed and they have been impleaded as respondents 4 to 398 in this writ

petition.



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3. Heard, the learned counsel appearing on either side.

4. On perusal of records, revealed that the petitioners are unsuccessful participants in the selection process as per the notification. As directed by the Hon'ble Supreme Court of India, the selection process to be completed on or before 31.03.2023. The petitioners were originally appointed in the year 2012 as temporary Veterinary Assistant Surgeon for the period of one year from the date of appointment under Rule 10(a)(i) of Tamilnadu State and Subordinate Services Rules. The post of Veterinary Assistant Surgeon is coming under the purview of Tamilnadu Public Service Commission. The persons who are appointed under 10(a)(i) approached this Court to regularise their services by conducting Special Test and the same was rejected. Aggrieved by the same, they approached the Hon'ble Supreme Court of India in Civil Appeal No.4351 of 2016 and batch, wherein the Hon'ble Supreme Court of India by an order dated 07.04.2022 passed the following orders:

(ii) As far as 573 appointees under Rule 10A (many of whom are appellants before this Court) are concerned, we are of the view that they should not be permitted to be regularised in the manner proposed by the State. However, we grant the



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relief in the following manner:

(a) the appellant-State in Civil Appeal Nos. 4353-54/2016 will proceed to notify vacancies including the vacancies held by the appellants before us as also all the Rule 10A appointees.

(b) The appointees under Rule 10A will be granted the benefit of upper age relaxation so that they are entitled to apply and be considered with anybody else who is eligible to apply and applies.

(c) The appointees under Rule 10A including the appellants before us will be afforded weightage of marks towards weightage of experience in the selection process. The weightage will consist of marks at the rate of 5 marks for every year, which is subject to a maximum of 50 marks. This, we are ordering on the basis of the submissions of Mr. Jaideep Gupta, learned senior counsel, that as far as the scheme of recruitment process is concerned, the selection is made on the basis of written examination which consists of a total of 500 marks, split up into two papers, of which, in one paper, the maximum marks is 300 and for the second paper, the maximum marks is 200. The recruitment procedure, according to Mr. Jaideep Gupta, also entails a viva voce for which the maximum marks is 70. Therefore, we proceed on the basis that the total marks on the basis of which selection is to be made is 570.

“.....the appellants (the appointees under Rule 10(a)(i) shall



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be permitted to continue. The recruitment process should be concluded by The Tamil Nadu Public Service Commission on or before 31.12.2022. The Public Service Commission will issue the advertisement within one month thereafter.

In the notification inviting applications, the Public Service Commission shall specifically indicate that Rule 10A appointees (573 in number) will be granted the benefit of relaxation from age and also the addition of weightage of marks towards their experience in terms of the order passed by this Court.

The appellants/Rule 10A appointees shall be permitted to continue.

In this regard, all the concerned departments working under the appellant (State) will report the vacancies including the 573 vacancies held by appointees under Rule 10A and any other vacancies available as per law, within a period of four weeks to the Tamil Nadu Public Service Commission.

Though all the Rule 10A appointees have not filed appeals, in facts, we do think that this order of benefit of continuance of all appointees of Rule 10A can be extended to all persons appointed (573 appointees under Rule 10(a)(i)). Therefore, the benefit of continuance till the selection is complete will extend to even those who have not filed appeals but who are part of 573 persons appointed under Rule 10A.



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The appellants/10A appointees shall be allowed to continue till the process of selection is completed.

5. In pursuant to the directions issued by the Hon'ble Supreme Court of India, the Tamilnadu Public Service Commission issued notification No.34 of 2022. Accordingly, the maximum age relaxed and given weightage marks of 5 for every year subject to maximum of 50 marks for the temporary Veterinary Assistant Surgeon i.e. the petitioners and others who were appointed under Rule 10 (a) (i). As per the notification, the petitioners had applied and availed the age relaxation and also marks on concession granted by the Hon'ble Supreme Court of Indian. Even then, they did not qualify in the selection. While pending the writ petition, the selection list has been published by the third respondent.

6. The learned counsel for the petitioners would submit that similarly placed persons approached Madurai Bench of this Court in WP(MD).No.11599 of 2023 dated 02.06.2023, wherein directed the petitioners to submit an application along with affidavit to give up the retirement and terminal benefits before this Court as well as the Hon'ble Supreme Court of India to continue their services until their retirement with only time scale of pay without any retirement and terminal benefits. Until the outcome of the



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results from the Hon'ble Supreme Court of India, they may be allowed to continue in service.

7. It is seen that no petition is pending before the Hon'ble Supreme Court of India. By an order dated 07.04.2022 the directions were issued as stated supra. That apart, respondents 4 to 398 are provisionally selected. The petitioners in the said writ petition misrepresented before this Court and obtained such direction since no petition is pending before the Hon'ble Supreme court of India in respect of the subject issue. Only contempt petition is pending before the Hon'ble Supreme Court of India for non compliance of the directions. However, the said contempt petition is nothing to do with the present petition. That apart, out of 573 persons who were appointed under Rule 10(a)(i), 118 got selected in the recruitment process held during the year 2019, 118 got selected in the current recruitment process during the year 2022 and the remaining 270 who were unsuccessful in both selection process have now filed this writ petition. Therefore, the directions sought for in this writ petition is against the directions issued by the Hon'ble Supreme Court of India as their request was already denied by the Hon'ble Supreme Court of India. As such, the writ petition is devoid of merits and liable to be dismissed.



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8. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

18.01.2024

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
lok



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To

- 1.Principal Secretary to Government,
The Government of Tamilnadu,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai 600 009
- 2.The Director,
The Office of Animal Husbandry & Veterinary Services,
No.571, Anna Salai, Nandanam,
Chennai 600 035
- 3.The Secretary,
TNPSC,
Flower Bazaar Road,
Parrys, Chennai-104



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G.K.ILANTHIRAIYAN, J.

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18.01.2024