



W.P.(MD).No.2120 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2120 of 2024

K.Ramesh

... Petitioner

Vs.

1.The Director of Animal Husbandry Veterinary Services,
No.571, Annasalai Nandhanam,
Chennai-30.

2.The District Collector,
Sivagangai District.

3.The Regional Joint Assistant Director,
Animal Husbandry Veterinary Services Department,
Karaikudi, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to appoint the petitioner to the post of Animal Husbandry Assistant in the light of the direction given by the 1st respondent within the time that may be stipulated by this Court.

For Petitioner : M/s.V.Sujatha

For Respondents : Mr.S.Shaji Bino
Special Government Pleader



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sponsored by Employment Exchange. In the meanwhile, the 1st respondent vide proceedings, dated 11.12.2023 has granted approval for 4500 vacancies to the post of Animal Husbandry Assistant and more than 50% vacancies are not filled so far. In order to avoid the Court proceedings and also due to the availability of the post, the said proceeding has been issued by the 1st respondent directing the 2nd and 3rd respondents from the respective district to fill up the vacancies on the basis of roaster seniority from the year 2015. Even after the said direction given by the 1st respondent, the 3rd respondent has not initiated any steps to fill up the vacancy. Hence, the petitioner made a representation on 18.04.2022 to the respondents 2 and 3 to provide him with a post of Animal Husbandry Assistant on the basis of roaster seniority through Employment Exchange. Since the same was not considered, this writ petition came to be filed.

4. The learned Special Government Pleader on instructions submitted that there will not be any impediment to consider the same in the light of the proceedings of the 1st respondent, dated 11.12.2023.



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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 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. In view of the submissions made by the learned Special Government Pleader, this Court directs the 3rd respondent to appoint the petitioner to the post of Animal Husbandry Assistant in the light of the direction given by the 1st respondent, dated 11.12.2023 within a period of eight (8) weeks from the date of receipt of copy of this order.

7. With the above said observations, this Writ Petition stands allowed.

No costs.

02.02.2024

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



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To

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L.VICTORIA GOWRI, J.

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