



W.P.(MD)No.12674 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.12674 of 2017

and

W.M.P.(MD)No.9790 of 2017

R.Hariharan

... Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Animal Husbandry & Fisheries Department,
Fort St.George, Chennai - 600 009.

2.The Director of Animal Husbandry (Formerly),
(Now) The Director & Commissioner of Veterinary Services,
DMS Complex, Teynampet,
Chennai - 6000 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to impugned order in Letter No.21009/ AH7/ 2013 dated 12.08.2014, on the file of the 1st respondent and consequent order passed in Na.Ka.No. 63419/ M.1/ 15 dated 23.10.2015, on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondents to



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appoint the petitioner to the post of Assistant Veterinary Surgeon under 10(a)(1) of the Tamilnadu State and Subordinate Service Rules.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.G.Suriya Ananth

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned letter dated 12.08.2014 issued by the first respondent and the consequential order dated 23.10.2015 passed by the second respondent rejecting the petitioner's request to appoint him in the post of Veterinary Assistant Surgeon under 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules.

2. As seen from the affidavit filed in support of this writ petition, the petitioner had earlier filed an original application in OA.No.4330 of 1993 before the Tamilnadu Administrative Tribunal seeking regularization of his services with effect from the date of his initial appointment. The said original application in OA.No.4330 of 1993 was



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transferred to the file of this Court and renumbered as W.P.No.14696 of 2006. The said writ petition was dismissed by this Court on 22.01.2007 on the ground that the petitioner had been ousted from service and hence, regularization of his services could not be granted.

3. Admittedly, the petitioner ought to have challenged the order dated 22.01.2007 passed by this Court in W.P.No.4696 of 2006 by filing a writ appeal. Instead of filing writ appeal, the petitioner has chosen to give representations seeking for the very same relief thereafter, which is noticed from the averments contained in the affidavit filed in support of this writ petition.

4. Since the order dated 22.01.2007 passed by this Court in W.P.No.14696 of 2006 filed by the petitioner has attained finality, the question of considering the petitioner's representation thereafter by the respondents does not arise. In the impugned order, the respondents have made it clear as the petitioner is not entitled to be re-appointed to the post of Veterinary Assistant Surgeon in view of the order passed by this Court in the writ petition filed by the petitioner in W.P.No.25318 of 2015. The



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respondents also stated that there is an inordinate delay on the part of the petitioner for the request made to be appointed to the post of Veterinary Assistant Surgeon.

5. This Court does not find any infirmity in the reasons stated by the first respondent in the impugned letter dated 12.08.2014 and there is also no infirmity in the consequential order passed by the second respondent dated 23.10.2015, which are challenged in this writ petition. Accordingly, there is no merit in this writ petition and this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No
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TO:-

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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.12674 of 2017

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