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W.P.No.22439 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.22439 of 2025

And

W.M.P.Nos.25227, 25228 and 25229 of 2025

Dr.P.Radha

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by its Secretary,
Animal Husbandry, Diary and Fisheries Department (AH7),
Fort St.George,
Chennai – 600 009.
- 2.The Director of Animal Husbandry and Veterinary Services,
Veterinary Poly Clinic Campus,
No.571, Anna Salai, Nandanam,
Chennai – 600 035.
- 3.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
V.O.C.Nagar, Park Town,
Chennai – 600 003.
- 4.The Regional Joint Director,
Animal Husbandry Department,
Nagapattinam,
Nagapattinam District – 611 001.
- 5.The Assistant Director,
Animal Husbandry Department,
Nagapattinam,



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Nagapattinam District – 611 001.

... Respondents

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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of the second respondent in Annexure-II dated 09.12.2022 and consequential order issued by the second respondent in Na.Ka.No.20100/M2/2024 dated 20.03.2025 quash the same and consequently direct the respondents, continue and perform the service of the petitioner and award with the 30 marks to the petitioner during the suspension period.

For Petitioner : Ms.Dakshayani Reddy
Senior Counsel
for M/s.P.Nethaji

For Respondents : Mr.R.Sasikumar for R1, R2, R4 & R5
Government Advocate
Ms.G.Hema for R3
Standing Counsel for TNPSC

ORDER

Mr.R.Sasikumar, learned Government Advocate takes notice on behalf of the respondents 1, 2, 4 & 5. Ms.G.Hema, learned Standing Counsel takes notice on behalf of the third respondent. By consent, the writ petition is taken up for final disposal at the admission stage



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itself.

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2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for records of the second respondent in Annexure-II dated 09.12.2022 and consequential order issued by the second respondent in Na.Ka.No.20100/M2/2024 dated 20.03.2025, quash the same and consequently direct the respondents, continue and perform the service of the petitioner and award 30 marks as weightage to the petitioner even during the suspension period.

3.The learned Senior Counsel appearing for the petitioner would submit that the petitioner was employed under Rule 10(a)(i) of the TNSSS Rules on 17.05.2012 and served for more than ten years. But the respondent did not count the suspension period of four years one month and treated as leave on loss of pay. She would further submit that if the respondent calculates the suspension period, then the petitioner would come within the zone of consideration as per the weightage marks of 5 per year, given by the Hon'ble Supreme Court in Civil Appeal No.4351 of 2016. In this connection, the petitioner has given a representation to the respondents on 20.01.2024.



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4.At this juncture, the learned Standing Counsel appearing for the third respondent would submit that the petitioner has given representation in pursuance of order in W.P.No.36103 of 2023, and would further submit that as per the Hon'ble Apex Court judgment, the appointment which was made under Rule 10 (a) (i) of the Tamil Nadu State and Subordinate Service Rules would comes to an end as and when the regular appointment takes place. The learned Standing Counsel would further submit that in this case, the regular appointment through recruitment has already been done and posting orders were issued.

5.However, the learned Senior Counsel appearing for the petitioner would contend that unless representation of the petitioner dated 20.01.2024 is considered, the question of issuing appointment order to her post does not come.

6.I am not in agreement with the submissions of the learned Senior Counsel appearing for the petitioner on the simple reason that the Hon'ble Supreme Court in Civil Appeal No.4351 of 2016 has categorically held that appointment made under Rule 10(a)(i) of TNSSS Rules would come to an end as soon as the regular



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appointment takes place. In the case on hand, appointment has already been made and the place in which petitioner was serving was posted with new recruit.

7.In view of the above discussion, the question of considering representation does not arise. Hence, this Court does not find any merits in the writ petition.

8.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.06.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

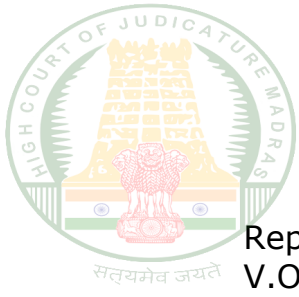
To

1.The Secretary,
Animal Husbandry, Diary and Fisheries Department (AH7),
Fort St.George,
Chennai – 600 009.

2.The Director of Animal Husbandry and Veterinary Services,
Veterinary Poly Clinic Campus,
No.571, Anna Salai, Nandanam,
Chennai – 600 035.

3.Tamil Nadu Public Service Commission,

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Rep. by its Secretary,
V.O.C.Nagar, Park Town,
Chennai – 600 003.

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- 4.The Regional Joint Director,
Animal Husbandry Department,
Nagapattinam,
Nagapattinam District – 611 001.
- 5.The Assistant Director,
Animal Husbandry Department,
Nagapattinam,
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