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W.P.No.41189 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

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

W.P.No.41189 of 2025
and W.M.P.Nos.46129 and 46131 of 2025

Dr.A.Eswari

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented By Its Secretary,
Department of Animal Husbandry Dairying,
Fisheries and Fishermen Welfare Secretariat,
Fort St. George, Chennai-600 009.
2. The Director of Animal Husbandry
and Veterinary Services,
Veterinary Hospital Compound,
Nandanam, Chennai-600 035.
3. The Commissioner of Animal Husbandry
and Veterinary Services,
DMS Complex,
Chennai- 600 006.
4. The Regional Joint Director,
Animal Husbandry Department, Erode,
Erode District.
5. The Clinician,
Veterinary Polyclinic,
Gobichettipalayam,
Erode District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying



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for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the second respondent Director in Na.Ka.No.30639/vs- 4/2025 dated 17.10.2025 and the consequential impugned proceedings issued by the 4th respondent Regional Joint Director in Na.Ka.No.5566/Aa/2025, dated 23.10.2025 and the 5th respondent Clinician, Veterinary Polyclinic, Gobichettipalayam in Na.Ka.No.398/2025 dated 23.10.2025, quash the same as illegal and further direct the respondents to permit the petitioner to continue to serve as veterinary Assistant Surgeon at the veterinary Polyclinic, Gobichettipalayam, Erode District.

For Petitioner	: Mr.P.Godson Swaminath assisted by Abhisha Isaac for M/s Isaac Chambers
For Respondents	: Mr.R.Murthi

ORDER

This Writ Petition has been filed challenging the impugned order issued by the second respondent Director in Na.Ka.No.30639/vs-4/2025 dated 17.10.2025 and the consequential impugned proceedings issued by the 4th respondent Regional Joint Director in Na.Ka.No.5566/Aa/2025, dated 23.10.2025 and the 5th respondent Clinician, Veterinary Polyclinic, Gobichettipalayam in Na.Ka.No.398/2025 dated 23.10.2025, thereby transferring the petitioner from Gobichettipalayam, Erode District to Kalloorani, Sivagangai District.



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2. Heard the learned counsel on either side and perused the materials

available on record.

3. The petitioner was originally appointed as a Junior Veterinary Assistant Surgeon by the third respondent by the proceedings dated 15.02.2010 and posted at the upgraded Veterinary dispensary, Sengodampalayam, Erode District. Thereafter, she was transferred to Poultry Disease Diagnostic Laboratory, Erode. Later through counselling, once again, the petitioner was transferred to Veterinary Dispensary, Sengodampalayam, Erode District. In the month of May, 2025, the second respondent issued a notification for General Transfer Counselling by its proceedings dated 15.05.2025. Since the petitioner had satisfied the conditions stipulated in the notification, she applied for transfer counselling. During the transfer counselling, the petitioner was transferred to the Veterinary Polyclinic, Gobichettipalayam, Erode District by the proceedings dated 31.05.2025 and she had joined in the said place.

4. While being so, the second respondent by the proceedings dated 17.10.2025, once again transferred the petitioner to the Veterinary Clinic, Kaloorani, Sivagangai District, along with other Veterinary Assistant Surgeons, on the ground of administrative reasons. Pursuant to the said order, the



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petitioner was relieved by the proceedings of the fourth respondent and the joining report of the fifth respondent. Though the petitioner was initially appointed as a Junior Veterinary Assistant Surgeon, subsequently, the said post was upgraded to the post of Veterinary Assistant Surgeon, as per G.O.Ms.No.64, Animal Husbandry and Fisheries (AH1) department, dated 28.05.2008, by abolishing the post of Junior Veterinary Assistant Surgeon.

5. The petitioner and similarly placed persons, who were upgraded from the post of Junior Assistant Surgeon to the post of Veterinary Assistant Surgeon, submitted representation seeking computing the selection grade in the post of Veterinary Assistant Surgeon by taking into account of the period in which they worked as Junior Veterinary Assistant Surgeon. However, the said claim was rejected by the second respondent by its proceedings dated 12.11.2020 and it was challenged before this Court by the petitioner and others in W.P.No.6377 of 2022. This Court allowed the writ petition by an order dated 27.02.2024. However, it was challenged by the respondents by way of a writ appeal in W.A.No.2079 of 2025 and obtained an interim order of stay and the writ appeal is pending. Therefore, in order to wreck vengeance as against the petitioner and others, those who filed the writ petition before this Court now, vindictively transferred to far away place.



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6. Therefore, the petitioner made out a prima facie case for malafide intention of the respondents to transfer her within a period of five months from the date of her earlier transfer. Though this Court transferred some other persons from the same impugned order and other writ petitions were dismissed, the petitioner is standing in different footing and makes out a prima facie case for malafide intention for her transfer. That apart, as per the guidelines for conducting general counselling for transfer of Veterinary Assistant Surgeons, in Clause 5.4, Veterinary Assistant Surgeons who have not completed one year after their last counselling excluding any leave period and he or she is not eligible to attend any counselling till that period is over. Therefore, the petitioner is not entitled to participate in the transfer counselling.

7. That apart, though the petitioner was transferred on administrative grounds, as per the Clause 9.5 of the guidelines for conducting general counselling for transfer of Veterinary Assistant Surgeon, transfer on administrative grounds, or on complaints shall be effected only after conducting a detailed enquiry on the complaints, duly recording the reason in file.

8. In the case on hand, there was no complaints and no reasons stated for



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the petitioner's transfer. The petitioner was transferred only stating administrative grounds without any reason.

9. In view of the above, the impugned orders cannot be sustained and are liable to be quashed. Accordingly, the impugned order issued by the second respondent Director in Na.Ka.No.30639/vs-4/2025 dated 17.10.2025 and the consequential impugned proceedings issued by the 4th respondent Regional Joint Director in Na.Ka.No.5566/Aa/2025, dated 23.10.2025 and the 5th respondent Clinician, Veterinary Polyclinic, Gobichettipalayam in Na.Ka.No.398/2025 dated 23.10.2025 are hereby quashed, insofar as it relates to the petitioner alone.

10. The respondents 1 to 4 herein shall permit the petitioner to continue to serve as Veterinary Assistant Surgeon on at Veterinary Polyclinic, Gobichettipalayam, Erode District. It is also made clear that if the respondents 1 to 4 herein failed to permit the petitioner to continue her service in the same place, the respondents 1 to 4 are personally liable to compensate the petitioner if any prejudice caused to her.

11. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petitions are closed. No costs.



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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Secretary,
The State of Tamil Nadu,
Department of Animal Husbandry Dairying,
Fisheries and Fishermen Welfare Secretariat,
Fort St. George, Chennai-600 009.
2. The Director of Animal Husbandry
and Veterinary Services,
Veterinary Hospital Compound,
Nandanam, Chennai-600 035.
3. The Commissioner of Animal Husbandry
and Veterinary Services,
DMS Complex,
Chennai- 600 006.
4. The Regional Joint Director,
Animal Husbandry Department, Erode,
Erode District.
5. The Clinician,
Veterinary Polyclinic,
Gobichettipalayam,
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