



W.A(MD) Nos.1972 to 1980 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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and

**C.M.P.(MD)Nos.11351, 11352, 11354, 11355, 11357, 11359, 11308,
11310, 11312, 11356, 11360, 11361, 11362, 11363, 11364, 11313,
11316, 11317, 11321, 11322, 11323, 11326, 11328 & 11329 of 2025**

In W.A.(MD)No.1973 of 2025

M.Sumathi

... Appellant / Petitioner

Vs.

**1.The Secretary to Government,
Animal Husbandry and Veterinary Services,
Secretariat, Chennai-600 009.**

**2.The Director,
Directorate of Animal Husbandry &
Veterinary Services,
No.571, Anna Salai, Nandanam,
Chennai-600 035.**

**3.The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
Chennai-600 003.**

... Respondents / Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 11.04.2022 passed in W.P. (MD)No.4216 of 2020 and allow the writ appeal.

For Appellant : Mr.S.Karthik

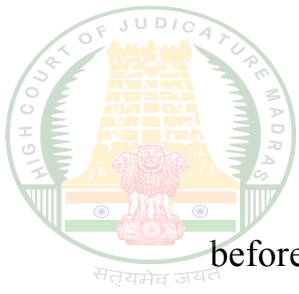
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 & R2
: Mr.J.Anandha Kumar
Standing Counsel
for R3

COMMON JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellants herein were appointed as Veterinary Assistant Surgeons under Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules. When the special qualifying examination was conducted, the appellants took part therein and were placed in the reserve list. Subsequently, the Government proposed to accommodate the persons in the reserve list against regular vacancies and to that effect, G.O.Ms.No. 137, dated 14.11.2011 was issued. The grievance of the appellants



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before us is that the said GO was not applied in their case. However, this was not the case projected by the appellants before the Government. The appellants argued before the Government that considering their long service, they must be regularised. The Director of Animal Husbandry and Veterinary Services, vide order dated 24.12.2019 rejected the request of the appellants in the following terms:-

“2) In the light of the above representation letter dated 23.03.2019 and the common orders passed in the writ petitions as mentioned in the references cited above, I have thoroughly gone through the file. It is seen that all the petitioners were appointed temporarily during May 2012 through Professional Employment Exchange under Rule 10 (a) (i) of the Tamil Nadu State and Subordinate Service Rules. In this connection, I am to inform the petitioners that the post of Veterinary Assistant Surgeon comes under the purview of the Tamil Nadu Public Service Commission. Whenever vacancy arises for the post of Veterinary Assistant Surgeon the Tamil Nadu Public Services Commission notifies the same. For filling up the vacancy the Tamil Nadu Public Service Commission conducts prescribed Competitive Examination comprising both written departmental representatives in the field, for Direct Recruitment. The Tamil Nadu Public Examination and oral test in the shape of an interview with the assistance of Experts and departmental representatives in the field, for Direct Recruitment. The Tamil Nadu Public Service Commission follows the Rule of reservation of appointment as envisaged in Rule 22 of the General Rules for Tamil Nadu State and Subordinate Services applied for



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recruitment and follows the roster and the candidates are selected from the Ranking list and then filtered in the Roster and based on the Rank they are allotted to this Department. Appointment orders are then issued to the selected candidates from this office. Some of the Veterinary Assistant Surgeon appointed through Professional Employment Exchange Temporarily under Rule 10(a)(1) who were selected by the Tamil Nadu Public Service Commission after undergoing the above process were allotted to this department and based on the allotment fresh appointment orders were issued to them, and later their services were regularised in this office proceedings Roc.No.49852/M1/2015 dated. 16.10.2018.

3) The petitioners in the Writ Petitions mentioned above had not been selected and allotted to this department by Tamil Nadu Public Service Commission and are not similar to the selected candidates. The petitioners cannot be compared to the candidates selected by the Tamil Nadu Public Service Commission for whom regularisation orders have been issued vide this office proceedings Roc.No.49852/M1/2015, dated. 16.10.2018. Hence the representation letter dated 23.03.2019 of the petitioners, requesting for regularisation of their services from the date of their Joining duty in the department cannot be complied with since it is devoid of merits, against Government Rules and against Law. The petitioner's representation letter dated 23.03.2019 is here by rejected.”

Challenging the same, the appellant filed W.P.(MD)No.10856 of 2020 etc.,batch. The learned single Judge vide order dated 11.04.2022 dismissed the writ petitions in the following terms:-



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“2. In similar set of facts filed by other similarly placed persons,

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this Court has elaborately considered the issues and delivered a judgment on 01.04.2022. 3. The learned Additional Advocate General brought to the notice of this Court that all these issues are similar in nature and the claim of the petitioners is one and the same (i.e.) for grant of regularisation and permanent absorption. This Court has dismissed the batch of writ petitions on 01.04.2022 passing the following orders:-

222. Since the Hon'ble Supreme Court seized of the matter, it is for these petitioners and the respondent Tamil Nadu Animal Husbandry, Dairying and Fisheries Department to have this issue resolved in accordance with law to ensure that there is no doubt at a later point of time. The continuance of the petitioners in Table Nos. 1, 2 & 3 in service, is subject to the final outcome of the S.L.P. before the Hon'ble Supreme Court other than those who have been selected pursuant to Notification No. 32/2019, dated 18.11.2019.

223. In the result, all these Writ Petitions are dismissed with the above observations. No cost. Consequently, connected Miscellaneous Petitions are closed.

4. The matter went upto the Hon'ble Supreme Court of India.

The Hon'ble Supreme Court on 07.04.2022, delivered a judgment that the petitioners are at liberty to participate in the process of selection through Tamil Nadu Public Service Commission and in such circumstances, they may be provided with the benefit of five additional marks for one year for the services rendered by the respective employees. The said order was clarified by the Commissioner of Veterinary Care and Medical Services, Chennai, on 08.04.2022.



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5. The issue raised in these writ petitions are no more res

WEB COPY integra as this Court has dismissed the similar writ petitions.

However, the Hon'ble Supreme Court of India granted the benefit of five marks per year in the event of petitioners participating in the selection through Tamil Nadu Public Service Commission. The petitioners in these writ petitions are also eligible to avail the benefits as granted by the Hon'ble Supreme Court of India which was communicated by the Commissioner, Veterinary Care and Medical Services, Chennai, on 08.04.2022."

Aggrieved by the same, these writ appeals came to be filed.

3. The learned counsel appearing for the appellants reiterated all the contentions set out in the grounds of appeal. He would add that similar cases are pending before the Principal Seat. He called upon this Court to admit the writ appeals and post them along with the batch.

4. Per contra, the learned Additional Government Pleader as well as the learned Standing Counsel for TNPSC submitted that the issue raised by the appellants has already been settled and that therefore, interference with the order of the learned single Judge is not called for.



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5. We carefully considered the rival contentions and went through the materials on record. As already noted, the rejection order passed by the Director of Animal Husbandry and Veterinary Services is being assailed on an altogether new ground. The case of the appellants is that since they were placed in the reserve list, they ought to have been accommodated in the regular vacancies vide G.O.Ms.No.137, dated 14.11.2011.

6. As rightly pointed out by the learned standing counsel, this issue was already urged before the Hon'ble Supreme Court in Civil Appeal No. 4351 of 2016 (K.Ragu Vs. N.Elumalai) dated 07.04.2022.

7. The cause of action dates back to the year 2011. More than 14 years have lapsed. Much water has flown under the bridge. We are not inclined to upset the order of the learned single Judge.



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8. These Writ Appeals are dismissed. No costs. Consequently,

connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
24.07.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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