



WA No. 561 of 2023 & batch cases

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

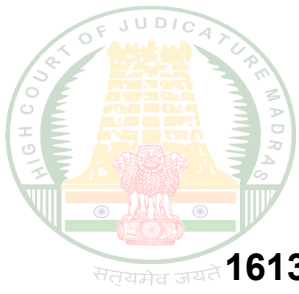
and

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA.Nos.561/2023, 562/2023, 567/2023, 606/2023, 1069/2023,
1072/2023, 1436/2023, 1510/2022, 1518/2022, 1526/2022, 1592/2022,
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2499/2023, 2878/2023, 2880/2023, 2881/2023, 2882/2023, 3972/2025,
WP.No.11289/2023**

and

**CMP.Nos.10013/2022, 10594/2022, 10595/2022, 10596/2022,
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5687/2023, 5922/2023, 5924/2023, 5926/2023, 9875/2022, 9937/2022

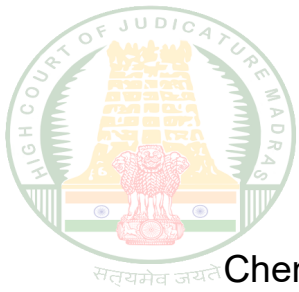
W.A.No.561 of 2023

R.Thirugnanam
S/o.H.Rajarathinam,
Veterinary Assistant Surgeon,
Veterinary Dispensary, Thimmampettai
635801
Tirupattur Division, Tirupattur District

..Appellant(s)

Vs

1. The Secretary to Government
The State of Tamil Nadu, Animal
Husbandry and Veterinary Services,
Secretariat,
Chennai 09
2. The Director
Directorate of Animal Husbandry and
Veterinary Services,
No.571, Anna Salai, Nandanam,



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3. The Secretary
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai 600003

..Respondent(s)

Prayer in W.A.No.571 of 2023: Appeal filed under clause 15 of Letters patent to set aside the order dated 01.04.2022 passed in WP No.7863/2020 and allow the Writ Appeal.

For Appellant(s):

Ms.Nalani Chidambaram,
Senior Counsel
for Ms.C.Uma

[WA.Nos.561/2023, 562/2023, 567/2023, 606/2023, 1069/2023, 1072/2023, 1592/2022, 1594/2022, 1597/2022, 1601/2022, 1607/2022, 1716/2022, 1720/2022, 1724/2022, 1725/2022, 1730/2022, 1731/2022, 1732/2022, 1733/2022, 1976/2022, 1977/2022, 1981/2022, 1982/2022, 1983/2022, 1991/2022 1996/2023, 2007/2022, 2012/2022, 2018/2023, 2122/2023, 2128/2023, 2131/2023, 2134/2023, 2137/2023, 2160/2022, 2164/2022, 2165/2022, 2173/2022, 2180/2022, 2195/2022, 2208/2022, 2209/2022, 2267/2022, 2275/2022, 2276/2022, 2460/2023, 2462/2023, 2495/2023, 2499/2023, 2878/2023, 2880/2023, 2881/2023, 2882/2023 & 3972/2025]

[for Petitioner in WP.No.11289/2023]



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Dr.R.Maheswari

[W.A.Nos.1510/2022, 1518/2022, 1526/2022
& 1436/2023]

Mr.N.Stalin

[W.A.No.2371/2023]

For Respondent(s): Dr.R.Gouri, Government Counsel for R1 & R2,

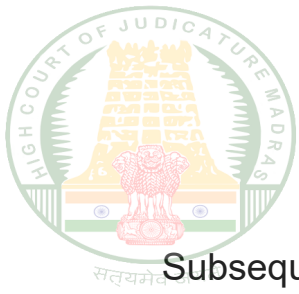
Mr.R.Bharanidharan, Standing Counsel for
Tamil Nadu Public Service Commission
(TNPSC) for R3

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the order dated 01.04.2022 passed in batch of Writ
Petitions.

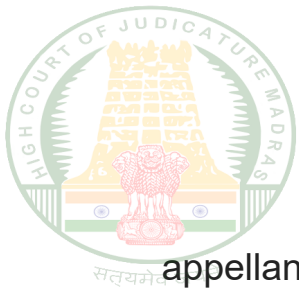
2.The facts in brief necessary to decide this batch of intra court
appeals instituted by the writ petitioners under clause 15 of Letters
Patent are that, a recruitment notification was issued by the Tamil Nadu
Public Service Commission inviting applications from the eligible
candidates for direct recruitment to the post of Veterinary Assistant
Surgeon in the Tamil Nadu Animal Husbandry Services. The
notification/advertisement No.188 was issued on 25.02.2009.



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Subsequently, supplementary notification was issued on 28.02.2009, notifying 444 vacancies to be filled up in the cadre of Junior Veterinary Assistant Surgeon. Tamil Nadu Public Service Commission conducted the written examination and shortlisted the eligible candidates. Scheme of written examination under the recruitment notification would show that minimum qualifying marks for selection for SCs, STs, MBCs/DCs and BCs (other than BCMs) and BCMs is 102 and for others 136. The candidates who secured minimum qualifying marks are notified by the Tamil Nadu Public Service Commission to participate in the further process of selection. It is not in dispute that the selected candidates were appointed and a reserve list was published, which is the issue raised by the petitioners/appellants.

3.The learned senior counsel Ms.Nalani Chidambaram would mainly contend that reserve list of 117 candidates were notified by the TNPSC vide letter dated 17.04.2013. And those 117 candidates included in the reserve list were subsequently appointed by the Government. The required number of candidates had not been included in the reserve list, which resulted in denial of opportunity to the



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appellants. In this context, the learned senior counsel would contend that totally 444 vacancies had been notified for the post of JVAS 2009. The reserve list for the said post had been drawn with 50%. Hence, for 444 vacancies, 229 candidates have to be placed in the reserve list. But due to paucity of candidates, 171 candidates have been placed in the reserve list. Out of 171 candidates, the names of 54 candidates are repeated in more than one category. Thus, totally 117 candidates were placed in the reserve list. Questioning the reserve list, the learned senior counsel would submit that 229 candidates ought to have been included in the reserve list. And in such circumstances, the names of the appellants would take place and they would have been appointed in the post along with the 117 candidates. In view of the fact that the number of vacancies to be included in the reserve list had not been done properly, the petitioners have chosen to file the Writ Petitions.

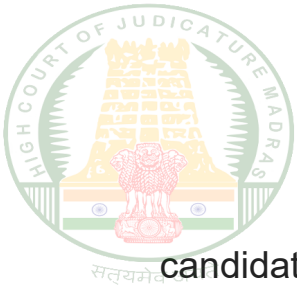
4.The learned senior counsel for the appellants would further contend that the representations are sent to the department, which were rejected on 24.12.2019.



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5. Dr. R. Maheswari, learned counsel for some of the Appellants would refer G.O.(Ms).No.137 Animal Husbandry, Dairying and Fisheries (AH7) Department dated 14.11.2011, stating that some of the appellants appointed under rule 10(a)(1) of the general rule of Tamil Nadu State and Subordinate Services were ousted from service, even without passing an order of termination. Those candidates were also not considered for regular appointment nor their services are regularized. Thus, they have also filed Writ Petitions challenging the recruitment process conducted in the year 2009.

6. The governing legal principles in the matter of selection and appointment to the public posts are settled by the constitutional courts. Recruitment notifications are notified by the Public Service Commission, based on the service rules applicable to the post. Mere participation in the selection process would not confer any right to seek selection or appointment. If the process of selection is tainted, it would raise ground for challenging the selection. In the present case, the only contention raised on behalf of the appellants are that the required number of



candidates shortlisted were not included in the reserve list which resulted in denial of opportunity.

7. Reserve lists are published to accommodate the candidates in the place where the regularly selected candidates have not joined. It is not the case of the appellants that the candidates who scored less marks than that of the appellants are included in the reserve list. Merit ranking was followed by the Tamil Nadu Public Service Commission, while shortlisting the candidates as well as at the time of issuance of selection list and subsequently in the reserve list. Including less number of candidates in the reserve list *per se* would not constitute a ground to challenge the selection process nor a direction can be issued to include more number of candidates in the reserve list.

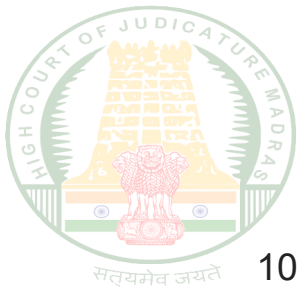
8. Pertinently, the recruitment notification was issued on 25.02.2009. Supplementary advertisement was issued on 28.02.2009. Reserve list was notified on 17.04.2013. The candidates regularly selected and the candidates included in the reserve list of the year 2013 were appointed into the department. But the appointment order issued



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only after five years on 16.10.2018, pursuant to the approval granted by the Government in the year 2013. Only after appointment of the regularly selected candidates as well as the candidates included in the reserve list, the Writ Petitions have been instituted in the year 2020 and 2021, questioning the process of selection as well as the reserve list published by the Tamil Nadu Public Service Commission.

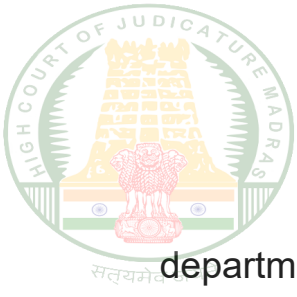
9. May that as it be, the Appellants/petitioners were aware of the selection list published in the year 2013 as well as the reserve list which was published on 17.04.2013. They were aware that their names were not included in the reserve list in the year 2013. They have waited till such time the candidates are appointed from the reserve list in the year 2018. After completion of the entire process of selection and appointment, representations are made to include their names in the reserve list of the year 2013, which would not constitute a ground to consider their names. On account of efflux of time and on the fact that the selection process completed in all respects, question of undoing the reserve list at this juncture would do no service to the cause of justice.



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10. Out of 697 selected candidates, 500 were fresh candidates and remaining 197 were Rule 10(a)(i) candidates who had cleared the TNPSC examination. Further, out of 455 Rule 10(a)(i) Veterinary Assistant Surgeon (VAS) vacancies, except for the left out vacancies, totally 440 appointees under Rule 10(a)(i) Veterinary Assistant Surgeons were working in the department. Out of 440, the 197 candidates under Rule 10(a)(i) were cleared the examination and 243 candidates under Rule 10(a)(i) did not clear the examination and not selected.

11. Out of 243 unselected 10(a)(i) Veterinary Assistant Surgeons, 51 were removed due to lack of vacancies during recruitment process under Notification No.34/2022. Of the remaining 192 temporarily appointed Veterinary Assistant Surgeons, one resigned due to old age and another resigned from service. In the meantime, the department promoted regular Veterinary Assistant Surgeons to Assistant Directors/Veterinary Surgeons in 2024. Consequently, 190 Veterinary Assistant Surgeon vacancies arose, to that particular place, the remaining 190 unselected 10(a)(i) Veterinary Assistant Surgeons have been serving as temporary Veterinary Assistant Surgeons in the



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department from March 2024 to March 2025.

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12.Pertinently, all those Rule 10(a)(i) candidates were ousted from service and as of now, they are not in service. Thus, question of regularizing their services would not arise at all. Pertinently, the order of termination is not under challenge and became final.

13.That apart, there is no irregularity or illegality in the process of selection. In view of the fact that the process of selection commenced in the year 2009, ended in the year 2013 by notifying the reserve list and candidates from reserve list also were appointed in the year 2018, the claim set out by the appellants deserves no merit consideration. Consequently, the Writ Appeals and the Writ Petition are dismissed and connected Miscellaneous Petitions stand closed. No costs.

(S.M.S.,J.) (N.S.,J.)
16-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes
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Note: Registry is directed to type all the cause title.



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The State of Tamil Nadu,
Animal Husbandry and Veterinary Services,
Secretariat, Chennai 09
2. The Director
Directorate of Animal Husbandry and Veterinary Services,
No.571, Anna Salai, Nandanam, Chennai 600035
3. The Secretary
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
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S.M.SUBRAMANIAM J.
and
N.SENTHILKUMAR J.
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WP.No.11289/2023 and connected CMPs**

16.06.2026

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