



WEB COPY



CMP No. 13053 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**CMP No. 13053 of 2026 AND
WA SR NO. 83068 OF 2026**

1. The Secretary to Government
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Commissioner
Food Safety and Drug Administration
Department, Anna Salai,
Chennai-06.

..Appellants

Vs

1. Tamil Nadu Food Safety Officers Association
Rep. by its Secretary,
R.Rabindranath, 506, Melvisaram and Ranipet
Urban Area, Vellore District.
2. The Member Secretary
Tamil Nadu Medical Services Recruitment
Baord, DMS Building, No. 359, Anna Salai,
Teynampet, Chennai-06.

..Respondents

Prayer : To Condone the delay of 855 days in filing the above WA against the order dated 15.12.2023 made in WP No. 23184 of 2021.



WEB COPY



CMP No. 13053 of 2026

For Appellants :
For Respondent(s):

Dr.R.Gouri Government Counsel
Mr.S.N.Ravichandran – for R1

Order

(Order of the Court was made by S.M.Subramaniam J.)

This petition is filed to condone the delay of 855 days in filing the writ appeal against the order dated 15.12.2023 in W.P.No.23184 of 2021.

2. Mr.S.N.Ravichandran, learned counsel for the first respondent would submit that the reasons stated for condoning the delay by the Department is incorrect and since the delay is huge, the petition is to be dismissed.

3. The writ petition has been filed by the Tamil Nadu Food Safety Officers Association challenging the notification dated 28.09.2021 issued by the Medical Services Recruitment Board for recruitment to the post of Food Safety Officers. The writ Court disposed of the writ petition with a direction to device a mechanism as contemplated in the letter issued by the Health and Family Welfare Meeting.

4. When substantial merits are to be decided in the writ appeal, Courts are expected to be lenient in condoning the delay. All the intra Courts are to be decided on merits. If the delay is enormous, then the Courts can consider



CMP No. 13053 of 2026

the merits as well as the issues and its importance and take a decision in the interest of justice. The Hon'ble Supreme Court in the case of **Inder Singh v. The State of Madhya Pradesh [2025 INSC 382]** held that, “ delay cannot be condoned without sufficient cause, but a major aspect which has to be kept in mind is that, if in a particular case, the merits have to be examined, it should not be scuttled merely on the basis of limitation”.

5. The additional affidavit filed by the Department would show the reasons for the delay date-wise. On a perusal of the said dates and events which resulted in causing delay in filing of the appeal, this Court is of the considered opinion that the objection raised on behalf of the respondents deserves to be rejected.

6. Consequently, the miscellaneous petition for condonation of delay of 855 days is allowed. Registry is directed to number the appeal and place it for admission if the papers are otherwise in order.

(S.M.S.,J.) (N.S.,J.)
24-07-2026

Index : Yes/No
Internet : Yes/No
KST



WEB COPY



CMP No. 13053 of 2026

**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

KST

**CMP No. 13053 of 2026
AND
WA SR NO. 83068 OF 2026**

24-07-2026

Page4 of 4