



W.P.No.9336 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

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

W.P.No.9336 of 2007

V.Devanand Reddy

...Petitioner

-Vs-

1. The Industries Commissioner and
Director of Industries and Commerce,
Chepauk, Chennai – 5.

2. The Government of Tamil Nadu
Rep. by the Secretary to Government,
Industries Department,
Secretariat, Chennai -9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to Pro.No.77721/EC2/2003 dated 09.12.2003, quash the same and issue directions to the respondents to extend the period of passing the Second Class Language Test in Tamil and to continue the applicant in service.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

The writ petition has been filed challenging the order dated 09.12.2003, passed by the first respondent in Pro.No.77721/EC2/2003, thereby terminating the petitioner from service.

2. The petitioner was appointed as Lower Division Clerks at New Delhi in the Central Government service. However, due to his family situation he resigned his job. Thereafter, he was appointed through the Tamil Nadu Public Service Commission as Assistant in the Directorate of Industries and Commerce. However, the appointment was on condition that the petitioner should pass the second class language test in Tamil to be conducted by the Tamil Nadu Public Service Commission. However, he failed to pass the said Tamil exam.

3. Therefore, the petitioner was issued with show cause notice to show, within a two weeks from the date of receipt of the said show cause notice, as to why his service as Assistant should not be terminated for not passing the second class language test in Tamil, within a period



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of two years from the date of his appointment as Assistant, as per Rule 12-A(b) of the General Rules for Tamil Nadu State and Subordinate Service. Hence, the petitioner requested the first respondent to grant extension of service for passing the test. However, the first respondent by the impugned proceeding discharged the petitioner from his service as such, the petitioner filed the present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials produced before this Court.

5. It is seen that the petitioner was appointed as Assistant on condition that he should pass the second class language test in Tamil within a period of two years from the date of his appointment. As per Rule 12A(b) of the Tamil Nadu State and Subordinate Services Rules, if any candidate fails to pass the said language test within the said period of two years, he/she shall be discharged from service. Therefore, the first respondent rightly discharged the petitioner from service, since he failed to pass the second language within a period two years from the date of his appointment. This Court finds no infirmity or illegality in the order



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passed by the first respondent and the writ petition is devoid of merits
and liable to be dismissed.

6. Accordingly, the writ petition stands dismissed. There shall
be no order as to cost.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

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