



W.P.(MD).Nos.19685 of 2020 & 4353 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.19685 of 2020 & 4353 of 2021

and

W.M.P(MD)Nos.16406 of 2020 & 3543 of 2021

W.P(MD)No.19685 of 2020:

Azhagu Pandeewari

... Petitioner

Vs.

1.The Secretary to the Government,
Health and Welfare Department,
St.George Fort,
Chennai-600 009.

2.The Dean,
Madurai Rajaji Government Hospital,
Madurai-625 002.

3.The Director of Employment and Training,
Chepauk, Madras-5.

... Respondents

(R3 is suo motu impleaded by this Court vide order, dated 19.09.2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned notification of the 2nd respondent vide his proceeding No.வி.வெ.எண்.189/2020/செ.ம.தொ.அ/மதுரை, dated 04.11.2020, and



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quash the same as illegal and consequently direct the 2nd respondent to publish the result of earlier selection in the light of the order of this Court in WP(MD) No.9179 of 2020.

For Petitioner : Mr.G.Aravindan
for Mr.T.Vadivelan

For Respondents : Mr.D.S.Neduncheliyan
Government Advocate

W.P(MD)No.4353 of 2021:

- 1.B.Boominathan
- 2.N.Selvakumar
- 3.M.Rajesh
- 4.A.Manikandan
- 5.T.Vinothkumar
- 6.V.Alagarsamy
- 7.R.Alagupandeeswari
- 8.S.Nandhini Priya
- 9.A.Sathya

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary to the Government,
Health and Welfare Department,
St.George Fort,
Chennai-600 009.



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2.The Medical Education, Health and
Family Welfare Department,
Represented by its Director,
No.162, Periya E.V.R.Road,
Kilpauk, Chennai-600 010.

3.The Rajaji Government Hospital,
Represented by its Director,
Rajaji Government Hospital,
Panagal Road, Goripalayam,
Madurai-625 002.

4.The Director of Employment and Training,
Chepauk, Madras-5.

... Respondents

(R4 is suo motu impleaded by this Court vide order, dated 19.09.2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records related to impugned proceedings of the 3rd respondent, dated 22/09/2020 in Na.Ka.No.11004/Ni3/1/2018 and quash the same and consequently direct the respondents to complete the selection process instituted under the recruitment notification in Na.Ka.No.11004/Ni3/1/2018 dated 09/01/2020 by appointing the petitioners to the post of Washermen / Dhobi in GRH, Madurai.

For Petitioner : Mr.R.Aravindan

For Respondents : Mr.D.S.Neduncheliyan
Government Advocate



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COMMON ORDER

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W.P(MD)No.19685 of 2020 has been filed to call for the records pertaining to impugned notification of the 2nd respondent vide his proceeding No.வி.வெ.எண்.189/2020/செ.ம.தொ.அ/மதுரை, dated 04.11.2020, and quash the same as illegal and consequently direct the 2nd respondent to publish the result of earlier selection in the light of the order of this Court in WP(MD) No.9179 of 2020.

2. W.P(MD)No.4353 of 2021 has been filed to call for records related to impugned proceedings of the 3rd respondent, dated 22/09/2020 in Na.Ka.No. 11004/Ni3/1/2018 and quash the same and consequently direct the respondents to complete the selection process instituted under the recruitment notification in Na.Ka.No.11004/Ni3/1/2018 dated 09/01/2020 by appointing the petitioners to the post of Washermen / Dhobi in GRH, Madurai.

3. All the petitioners hail from socially and economically weaker sections of the society. The respondents vide notification, dated 09.01.2020 invited applications from eligible candidates to fill up 14 vacancies in the post of Washerman/Dhobi in Government Rajaji Hospital at Madurai. The only



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qualification prescribed is that the candidate should be a literate who could be able to read and write Tamil. Moreover, washing of clothes and linen in Government Rajaji Hospital, Madurai has been fully mechanized. A list of eligible candidates was sponsored by the Employment Exchange apart from the applications invited through advertisement in various newspapers. Considering the nature of the employment, no written examination was conducted and the selection process was fully based on interview. Oral interview was conducted in various dates in the month of December 2019 and January 2020. However, there was no information regarding the results of the same after that.

4. Hence, the petitioners filed W.P(MD)Nos.9172, 9173 of 2020 etc., batch before this Court seeking to publish the results of the interview and select the petitioners there at to the post. This Court vide common order, dated 13.08.2020 directed the respondents to dispose each of the petitioners' representation and pass orders within a period of four (4) weeks. Even after that, the results were not published, as a result of which, a contempt petition in Cont.P(MD)No.1050 of 2020 was also filed. Under such circumstances, the impugned order, dated 22.09.2020 came to be passed by the Principal of Rajaji Medical College declaring the cancellation of the earlier selection process for



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the reason that the validity of the list of candidates sponsored through Employment Exchange would expire within a period of six months from the date of sponsoring the said list and subsequent to the same, a fresh notification, dated 04.11.2020 also came to be passed inviting applications for the 14 posts of Washerman/Dobi in continuance to the cancellation order. Assailing both the cancellation order, dated 22.09.2020 and the fresh recruitment notification, 04.11.2020, these writ petitions came to be filed.

5. The learned counsel for the petitioner submitted that having finalized 4 among the 9 candidates in the selection list, the respondents ought not to have cancelled the selection process which was completed as earlier as in January 2020 and pressed for allowing the writ petition.

6. Per contra, the learned Government Advocate submitted that the selection process was not completed. However, the list of candidates on the basis of communal roster was finalized, but in view of the outbreak of Covid pandemic during the period of 2020, the respondents were not able to complete the entire exercise. Since the validity of the list sponsored by Employment Exchange for appointment in various department would automatically expire within a period of 6 months, they are left with no other option rather going for fresh notification inviting applications for the post of Washerman/Dobi by



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cancelling the earlier selection process and on that basis, the learned Government Advocate submitted that the petitioners do not have any bar in re-applying for the post and participate in the new selection process and on that basis, pressed for dismissal of the writ petition. That apart, the 3rd respondent has filed a counter affidavit and in Paragraph No.6 of the counter, the 3rd respondent has admitted that, of the total number of 9 petitioners, who attended interview during the selection process for the post of Washerman in the year 2020, 4 candidates were short listed and they fall under the zone of consideration in terms of communal rotation and they were placed in 3,6,8 and 10 rank respectively.

7. A perusal of the entire records of the case in hand would reveal that the medical employment service vide circular memo, dated 08.04.1996 as issued by the Director of Employment and Training, Chepauk, Madras-5 has clarified in view of G.O.Ms.No.6 Employment Department, dated 23.01.1990 that the Government has delegated powers to the Director of Employment and Training to validate list of candidates sent to the employers by the employment exchange for further period of 6 months from the date of expiry of such list, if employers could not finalise the selection and if the matters are pending with the Court of law. In the instant case, all the petitioners have come before this



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Court immediately on the cancellation of the earlier selection process and on notifying the fresh selection process for the post of Washerman and the case was pending before this Court since 2020.

8. The Hon'ble Supreme Court in Miscellaneous Application No.21 of 2022 in Miscellaneous Application No.665 of 2021 in *suo motu* writ petition. (C)No.3 of 2020 has already observed that in view of the Corona Pandemic, a period of limitation has to be extended in all cases and the relevant portion of which is extracted as follows:

“5. Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A. No. 21 of 2022 with the following directions:

I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the



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periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act,1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.”

9. In view of the same, the respondents ought not to have cancelled the selection process for the reason of Corona Pandemic, since the period of limitation outer limit of any matter pertaining to law has already been extended by the Hon’ble Apex Court.

10. In view of the same, this Court has no hesitation to suo motu implead the Director of Employment and Training, Chempauk, Madras-5 as the 3rd respondent in W.P(MD)No.19685 of 2020 and the 4th respondent in W.P(MD)No.4353 of 2021. This Court hereby direct the respondents 3 and 4 respectively to validate the earlier list sponsored by the Employment Exchange during the period 2020 in response to notification, dated 09.01.2020 for the post of Washerman/Dobi in the Government Rajaji Hospital with respect to the petitioners who were ranked as 6,10,3 and 8 in paragraph no.6 of the counter filed by the respondents. The Director of Employment Exchange is directed to



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furnish the details of those candidates to the 3rd respondent within a period of two (2) weeks from the date of receipt of a copy of this order. Thereafter, the 3rd respondent is directed to appoint the 4 candidates who are validated and further forwarded by the Director of Employment Exchange within a further period of six (6) weeks from the date of the validation by the Directorate of Employment Exchange. As far as the other petitioners are concerned, they are given with liberty to participate in the fresh notification inviting applications for the post of Washerman/Dobi in the Government Rajaji Hospital at Madurai.

11. With the above said observations, both the Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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L.VICTORIA GOWRI, J.

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