



W.P.No.11085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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R.Sreenanthini

.. Petitioner

Versus

1. The State of Tamil Nadu Represented by
Principal Secretary to Government (Revenue Department),
Secretariat,
Chennai - 600 009.
2. The Principal Secretary to Government,
Human Resource Management Department,
Secretariat,
Chennai - 600 009.
3. The Chairman,
Tamil Nadu Public Service Commission,
Chennai - 600 003.
4. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.
5. The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai - 03.



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6. The District Collector,
Thiruvannamalai District.

7. The Sub Collector,
Cheyyar,
Thiruvannamalai District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus to direct the 3rd respondent to allow the petitioner to apply for exam conducted by the 3rd respondent for recruitment to the posts included in combined civil services examination-1 (Group-I Services) vide notification no.4/2024 in advertisement no.683, dated 28.03.2024 and also subsequent exams till 28.11.2024.

For Petitioner : Mr.C.Deepak Kumar

For Respondents : Mr.C.Jayaprakash,
Government Advocate,
for RR-1, 2, 6 and 7

: Mr.R.Bharanidharan,
Standing Counsel for RR-3 to 5

ORDER

This Writ Petition is filed for a direction to the third respondent to allow the petitioner to apply for the exam conducted by the third respondent for the posts included in the combined Civil Services Examination - I (Group - I Services) under notification No.4/2024 in advertisement No.683, dated 28.03.2024 and also subsequent exams till 28.11.2024.



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2. The petitioner is working as a Village Administrative Officer. She wants to apply for the combined Civil Services Examination - I (Group - I Services) under notification No.4/2024, dated 28.03.2024. As a matter of fact, she belongs to General Category and at present, she is aged 30 years. For any candidate, to apply as an in-service candidate with or without age relaxation, the following is the rule as per the notification :-

"4.5. Restrictions on applying for the Examination:

4.5.1. The candidates not belonging to SCs, SC(A)s, STs, MBCs/DCs, BC(OBCM)s, and BCMs, who have put in five years or more of service, since his/her first appointment to a service of Government of India or Government of a State / Union Territory, are not eligible to apply even if they are within the age limit."

3. Since the petitioner had joined duty as Village Administrative Officer with effect from 22.02.2019 and since she completed five years of service as of 21.02.2024, by the above rule, her application is not even accepted by the portal. Therefore, she is before the Court.

4. The primary contention of the petitioner is that after joining the service, she was granted Maternity Leave for 270 days from 03.06.2020 to 28.02.2021. As a matter of fact, the said period has not even been treated as



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duty period and the petitioner's probation is also not declared, since the said period is not treated as duty period. When the respondents are not treating the period of Maternity Leave as a duty period, the same cannot also be counted in the five years to disentitle the petitioner from applying under the instant notification.

5. Learned Counsel for the petitioner, by taking this Court through the said rule as well as an earlier order of this Court in W.P.Nos.1442, 1451 and 1465 of 2023 etc., whereby, the question as to treating it on duty period was decided, would submit that the petitioner should be held eligible for applying to the posts. The learned Counsel would also rely upon the earlier judgment of this Court in W.P.No.4350 of 2024, whereby, this Court directed the respondents therein to consider the representation and pass orders. In the instant case also, the respondents have to consider the case of the petitioner.

6. I have considered the rival submissions made on either side and perused the material records of the case.



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7. Obviously, the rule position is that for any person to apply as an in-service candidate, he should not have put in more than five years of service. The relevant rule in the notification is extracted above. The same is not under challenge in the present Writ Petition. The contention is that the Maternity Leave period has to be excluded in computing the same. I am afraid that the same cannot be done. Treating it as a duty period for declaration of probation is different from counting the same as service. There can be no iota of doubt whatsoever that the period of Maternity Leave will also be the period of service. Therefore, when the petitioner has joined the duty on 22.02.2019 and once the period of five years has been completed as of February, 2024, as per the rule and the notification, the petitioner is not eligible to apply. Therefore, this Court is unable to come to the rescue of the petitioner in the absence of the challenge to the rule as such.

8. In view thereof, this Writ Petition is without any merits and is accordingly dismissed. There shall be no order as to costs.

22.04.2024



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Index : yes

Speaking order

Neutral Citation : no

grs



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To

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