



WEB COPY



W.P.No.25705 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM:

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

W.P.No.25705 of 2022

and

W.M.P.Nos.24745 & 24748 of 2022

V.Santhosh

..... Petitioner

Vs

1.The Chairman-cum-Managing Director,  
Chennai Metropolitan Water Supply  
and Sewerage Board,  
No.75, Santhome High Road,  
M.R.C.Nagar,  
R.A.Puram,  
Chennai – 600 028.

2. The General Manager,  
Personal & Administration (R & A Department)  
Chennai Metropolitan Water Supply  
and Sewerage Board,  
No.1, Pumping Station Road,  
Chintadripet,  
Chennai – 600 002.

..... Respondents

**Prayer:** Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to the 2<sup>nd</sup> respondent's proceedings dated 02.08.2022 in Memo No.CMWSSB/RANDA.STF/RA4/14506/2022 and quash the same and further direct the respondents to extend the period for passing of the Language Test by another one year.



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For Petitioner : Mr.M.Muthappan  
For Respondents : Mr.Krishna Ravindran  
Standing Counsel

**ORDER**

This Writ Petition has been filed challenging the order passed by the second respondent dated 02.08.2022, thereby directed the petitioner to submit his explanation as to why he should not be discharged from the service of Board as per the provisions of CMWSS Board Special Regulations Act 1982 and CMWSS Board General Service Regulations 1978.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as Junior Assistant on compassionate ground by the proceedings of the second respondent dated 27.02.2017. Accordingly, he had joined the service as Junior Assistant on 13.04.2017. As per the Service Regulations, a language test has to be conducted by the Tamil Nadu Public Service Commission, since, the petitioner's second language was Hindi. Therefore, the petitioner ought to have passed the language test within the probationary period and then



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only he will be declared to have completed his probationary period. Due to COVID-19, the TNPSC did not conduct any language test. When the TNPSC conducted language test on 11.06.2022, the petitioner had passed the written examination and he was waiting for viva voce.

4. In the meanwhile, the second respondent issued impugned show cause notice stating as to why he should not be discharged from the service of the Board, since the petitioner failed to qualify the language test as prescribed in the Service Rules and Provisions. On receipt of the show cause notice, the petitioner has also submitted an explanation on 11.08.2022.

5. The learned counsel appearing for the petitioner would submit that after clearing the language test conducted by the Tamil Nadu Public Service Commission, the petitioner participated in the viva voce conducted on 24.03.2023 and he passed. Subsequently, the petitioner also submitted a representation on 11.04.2023 before the second respondent to declare his probationary period as successful.

6. In view of the above, the show cause notice dated 02.08.2022 is hereby quashed and the respondents are directed to



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consider the representation submitted by the petitioner dated 11.04.2023 along with other certificates to prove that he had passed the language test conducted by the Tamil Nadu Public Service Commission and declare his probationary period as successful within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition stands allowed.

Consequently, connected miscellaneous petitions are closed. No costs.

15.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

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**G.K.ILANTHIRAIYAN. J.**

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