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W.P.No.27943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.27943 of 2024

Baiju Pulickal Velayudhan

... Petitioner

Vs.

1. The Administrator General and
Official Trustee of Tamil Nadu,
High Court Campus, Chennai -104.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India

seeking for issuance of a writ of mandamus, directing the respondent not to take any coercive steps in pursuance to the show cause notice, vide communication bearing No.Dis.No.751/S1 dated 19.06.2024 till the outcome of the results.

For Petitioner : Mr.K.Venkateswaran

For Respondent : Mr. S.Arjun Suresh

ORDER

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(Order of the Court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking direction to the respondent

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not to take any coercive steps in pursuance to the show cause notice, vide communication bearing No.Dis.No.751/S1 dated 19.06.2024 till the outcome of the results.

2. The petitioner was appointed as Junior Assistant by the Administrator General and Official Trustee of Tamil Nadu, Chennai, vide order dated 13.06.2019, subject to the condition that the petitioner shall pass II class language test in Tamil, within the probation period. According to the petitioner, due to covid pandemic, examination was conducted by the TNPSC only in December 2020 and though the petitioner attended the examination, he was not able to pass the language test in the first attempt. Again, he appeared for the examination in the year 2022, in which he passed only the written examination and failed in viva-voca. Thereafter, the petitioner appeared in the examination in May 2024 and the result is not yet published. In the meantime, the respondent had issued the impugned show cause notice, stating that the petitioner was given extension of time for 3 years to pass the class II test in Tamil language, as per Rule 31(4) of



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TNGSC Act 2016, however, he has not cleared the test. Further, the petitioner was not allowed to attend the office and another show cause notice dated 06.08.2024 was issued stating that the petitioner is a deserter, since he is absent, without information from 21.06.2024.

2.1. It is contended by the counsel for the petitioner that, though the petitioner has given explanation, he was not allowed to attend the office, due to the reason that enquiry was pending against him. Further, the results are yet to be published and in such circumstances, if the respondent takes any conceive action against the petitioner, he would be put to irreparable loss and hardship.

3. Learned counsel appearing for the respondent submitted that the petitioner has not passed the Class II test in Tamil Language, within 5 years period, as per the provisions of TNGSC Act and hence, show cause notice was issued.

4. Considering the fact that the petitioner is waiting for the publication of result for the examination of Class II test in Tamil Language, the respondent is directed not to take any coercive steps against the petitioner



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for another three weeks time from the date of receipt of a copy of this order.

In the meanwhile, the petitioner shall make an explanation before the respondent, within one week from the date of receipt of copy of this order. Thereafter, the respondent shall consider the explanation given by the petitioner and decide the the matter on merits and in accordance with law.

5. The writ petition is disposed of accordingly. There shall be no order as to costs.

(D.K.K., A.CJ.) (M.J.R.J.)

25.09.2024

Internet: Yes/No
Index : Yes/No
mst

To

The Administrator General and
Official Trustee of Tamil Nadu,
High Court Campus, Chennai -104.



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THE HON'BLE ACTING CHIEF JUSTICE
and
M.JOTHIRAMAN, J.

mst

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