



WEB COPY



W.P.No.34119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.34119 of 2024 &

W.M.P.No.36934 of 2024

N. Pagadala Geetha

... Petitioner

Versus

1. The State of Tamilnadu
Rep. By the Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai – 600 009

2. The Director of Public Health &
Preventive Medicine,
Teynampet, Chennai – 600 006

3. The District Health Officer,
Chengam Road,
Thiruvannamalai – 606 604

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to grant two years extension of time for passing the second class language test in tamil conducted by the Tamilnadu Public Service Commission (TNPSC) to compensate the pandemic period when no examinations were conducted by TNPSC.



W.P.No.34119 of 2024

For Petitioner : M/s R.Maheswari

For Respondents : Mr.M.Bindran
Additional Government Pleader

WEB COPY

ORDER

This petition is filed for an issuance of a Writ of Mandamus directing the respondents to grant two years extension of time for passing the Second Class Language Test in Tamil conducted by the Tamilnadu Public Service Commission (TNPSC) to compensate the pandemic period when no examinations were conducted by TNPSC.

2. According to the petitioner, the Medical Services Recruitment Board called for applications from the Women candidates for the post of Village Health Nurse / Auxiliary Nurse Midwife vide notification dated 24.10.2019 and the petitioner filed her online application for the said post on 31.10.2019. The petitioner was selected based on the marks secured by her in SSLC and Diploma examinations and appointed to the said post vide order dated 08.01.2020 issued by the 2nd respondent. The petitioner had joined the Department on 13.01.2020 and continued for over two years till early 2022 and the petitioner had lost her husband on 24.02.2024 and the petitioner is having a girl child aged 20 years,



W.P.No.34119 of 2024

WEB COPY

who has severe health issues and a school going son. In spite of the said personal problems, the petitioner had appeared for the Second Class Language Test in Tamil during May 2024 and had successfully passed the written examination conducted on 20.06.2024, however, the petitioner was not successful in the viva voice conducted on 04.10.2024. All of a sudden, the petitioner was issued with a show cause notice dated 11.03.2024 calling for explanation as to why the petitioner should not be terminated from service for not having passed the second class language test in tamil and sought a reply on the same day (23.03.2024) without giving any time for the petitioner to reply. Left with no other option, the petitioner had given a handwritten reply on the spot requesting time for passing the second class language test in tamil and the 3rd respondent took away the show cause notice and the reply without even furnishing a copy of the same to the petitioner herein. Now, the respondents are intending to issue termination notice to the petitioner to dismiss the petitioner from her service and hence the petitioner has come up with this petition.



W.P.No.34119 of 2024

WEB COPY

3. On the other hand, the learned Additional Government Pleader appearing for the respondents submits that the appointee must pass the tamil language examination within two years from the date of joining. Till date, a period of four years has elapsed from the date of joining, yet the petitioner has not passed the second Tamil language examination. Further, as per the Tamilnadu Government Servants (Conditions of Service) Act, 2016, Rule 21 Sub Rule 2, termination order was issued and no representation has been given regarding the departmental exam and also not produced any document related to that, thereby pleaded to dismiss the petition.

4. Admittedly, the petitioner had applied for the post of Village Health Nurse / Auxiliary Nurse Mid-wife vide notification dated 24.10.2019 in Medical Services Recruitment Board on 31.10.2019. The petitioner was selected based on the marks secured by her SSLC and Diploma examinations and appointed to the said post vide order dated 08.01.2020 issued by the 2nd respondent. The petitioner had joined the department on 13.01.2020 and continued for over two years till early 2022. It is the contention of the petitioner that the petitioner had appeared for the Second Class Language Test in Tamil during May



W.P.No.34119 of 2024

2024 and had successfully passed the written examination conducted on 20.06.2024 and the petitioner was not successful in the viva voice conducted on 04.10.2024. However, it is the contention made on behalf of the respondents that the same has not been intimated to them.

5. Considering the fact that the petitioner had lost her husband on 24.02.2024 and the petitioner is having a girl child aged 20 years, who has severe health issues and a school going son and that the petitioner had appeared for the Second Class Language Test in Tamil during May 2024 and had successfully passed the written examination conducted on 20.06.2024, however, the petitioner was not successful in the viva voice conducted on 04.10.2024, in order to give an opportunity to the petitioner, this Court is inclined to direct the respondents to permit the petitioner to appear for the examination during December, 2024 and if the petitioner fails in the said examination, the petitioner shall take up the said examination during May, 2025 in order to clear the Second Class Language Test in Tamil. If the petitioner is not able to get pass percentage during the exams, appropriate orders shall be passed.



W.P.No.34119 of 2024

WEB COPY

Accordingly, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

20.11.2024

Index : Yes/No

Internet: Yes / No

Speaking order : Yes/No

Note: Registry is directed to issue order copy on 21.11.2024

ssd

To

1. The State of Tamilnadu
Rep. By the Secretary to Govrnment,
Health & Family Welfare Department,
Fort St. George, Chennai – 600 009
2. The Director of Public Health &
Preventive Medicine,
Teynampet, Chennai – 600 006
3. The District Health Officer,
Chengam Road,
Thiruvannamalai – 606 604

V.BHAVANI SUBBAROYAN, J.



WEB COPY



W.P.No.34119 of 2024

ssd

W.P.No.34119 of 2024

20.11.2024