



WP(MD) No.10329 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10329 of 2024

and

WMP(MD)Nos.9281, 9283 & 9285 of 2024

B.Jothimani

.. Petitione

Vs.

1.The Commissioner,
Employment and Training,
Alandur Road,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai- 600 032.

2.The Additional Director(Craftsmen Training),
Employment and Training,
Alandur Road,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai-600 032.

3.The Principal,
Government Industrial Training Institute,
Amaravathi Pudur,
Devakottai Rastha,



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Karaikudi,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent in his proceedings in Sae.Mu.Aanai No.24330/UA2/2022-1, dated 05.04.2024 and quash the same as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to reinstate the petitioner in service with all attendant benefits, back wages and all other monetary benefits.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1& R2

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, to quash the proceedings of the 2nd respondent



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in Sae.Mu.Aanai No.24330/UA2/2022-1, dated 05.04.2024 and for a consequential direction to the respondents to reinstate the petitioner in service with all attendant benefits, back wages and all other monetary benefits.

2.Heard Mr.S.Krishnan, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 &2.

3. The petitioner who was appointed as a Store Keeper in the 3rd respondent I.T.I College was discharged from service on account of non completion of probation to the satisfaction of the second respondent. The petitioner was expected to pass the Departmental examination but she did not pass the same despite she was given 5 years time. As per Section 31(4) of the Tamil Nadu Government (Conditions of Service) Act, 2016, the maximum period for probation can be extended only for 5 years. So



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the Government servant is expected to acquire the test qualification within the prescribed period. In fact the probation will be declared if the conditions are fulfilled by an employee within two years of continuous period of 3 years of service. But the petitioner did not make use of the opportunity given to her. Having known that if she does not qualify herself by acquiring the test qualification she will be discharged from service, she did not make any efforts to pass within the maximum time limit given to her.

4. For ready reference Section 31(4) of the Tamil Nadu Government (Conditions of Service) Act, 2016 is extracted hereunder:

" 31. (4) The maximum period upto which the probation of a Government servant shall be extended so as to enable him to acquire the test qualification, be fixed as five years. If he does not acquire the test qualification even within the maximum period of five years, he shall be reverted and the qualified and the eligible junior shall be considered for promotion. If such a person is appointed by direct recruitment and has not acquired the test qualification even within the maximum period of five years, his probation shall be terminated."



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5. Mr.S.Krishnan, learned counsel for the petitioner submitted that the petitioner has appeared for the Account Test in the month of December, 2023 and awaiting for the results. The petitioner expects the results are to be published in the next month. However, the petitioner was relieved from service with effect from 05.04.2024, even before she would get the results of her examinations. It is further submitted that the petitioner was deserted by her husband and she had undergone mental trauma and because of that she is not able to give her best in the examination. But that cannot be a reason for a Government servant to fulfill the requirement of service conditions. However by taking a sympathetic view, the petitioner shall be given with one more opportunity as she had already appeared in the examination and awaiting for results.

6. In view of the above stated reasons and taking a sympathetic view of the matter, the impugned order is set aside. The 2nd respondent is directed to reinstate the petitioner forthwith and shall pass



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any further orders after the results of her examination is published.

7. With the above direction, this writ petition is **disposed of**.

No Costs. Consequently, connected miscellaneous petitions are closed.

29.04.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

PJL

To

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R.N.MANJULA, J.

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