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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.7830 of 2025
and
W.M.P.No.8801 of 2025

D.Bharathi

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Health and 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,
Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant the petitioner two years extension of time for passing the Second Class Language Test in Tamil in the light of the force majeure condition that prevailed during the pandemic period of COVID – 19.

For Petitioner .. Mr.R.Maheswari



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For Respondents .. Mr.M.Bindran, AGP

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to grant two further years to pass the second class language test in Tamil.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was temporarily working as Village Health Nurse. It had been stated that the petitioner had also applied online for the post of Village Health Nurse / Auxiliary Nurse Midwife for notification dated 24.10.2019. It had been stated that the petitioner had also been selected. But however, there was a mandate that the petitioner should complete the second class language test in Tamil. The petitioner had not completed the same. This writ petition has been filed seeking extension of time.

3.The learned Additional Government Pleader, however, raised objections.



4. The issue is no longer *res integra*. A learned Single Judge of this

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Court in ***W.P.No.1635 of 2025, Puvvala Mary Kumari Vs. The State of Tamil Nadu, Rep. by its Secretary to Government, Health and Family Welfare Department, Chennai and two others***, in a similar issue had passed the following order:

“2. This petition is filed 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 in the light of the force majeure condition that prevailed during the pandemic period of COVID- 19 and pass orders.

3. The case of the petitioner is that the petitioner was appointed as Village Health Nurse/ Auxiliary Nurse by the second respondent vide order dated 08.01.2020. Thereafter, The Deputy Director of Health Services vide order dated 11.01.2020 directed the petitioner to pass second class language in tamil. The sum and substance of the case is that due to the Corona Pandemic the petitioner was instructed to render her service without any leave, due to which she was unable to apply for the second class language test. However, the petitioner has appeared for the examination in December 2024 and awaiting for the results. When this being the case, all



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of sudden the respondents are intending to issue termination notice to the petitioner to dismiss the petitioner from her service, which has given rise to this petition.

4.It is the contention of the petitioner that the petitioner has submitted a representation to the respondents requesting for relaxing the limitation period for clearing the Second Language Test in Tamil conducted by TNPSC due to force majeure that prevailed during COVID 19 depriving the petitioner from writing the Departmental Test. He further submitted that the petitioner has appeared in the Examinations conducted during December 2024 and awaiting for the results. Hence, prays to allow this petition.

5.The learned Special Government Pleader appearing for the Respondents submitted that one of the service condition is that the candidates should pass the second language test within a period of two years from the date of appointment, viz., the probation period. If the candidate had not passed the examination, the period of probation shall not be declared as successful and would result in termination of service. The petitioner has joined the service in the year 2020 and she ought to have passed the examination in the year 2022 but till date i.e after a lapse of 4 years the petitioner did not pass the said examination. It is pertinent to note that the petitioner did not even apply for the examination from 2020 to 2023 and May,



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2024. *She has applied only during December 2024. Hence, prays to dismiss this petition.*

6. *Heard both sides and perused the materials available on record.*

7. *Considering the fact that the petitioner has appeared for the Examinations conducted on December 2024 and awaiting for results, this Court is inclined to give an opportunity to the petitioner till the out come of the result to reinstate her, 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 in Tamil. If the petitioner is not able to get pass percentage during the May, 2025 exams appropriate orders shall be passed by the respondent in accordance with law based on the service conditions.*

8. *With the aforesaid direction, this writ petition is disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed.*

5. *The same order enures to the petitioner herein also.*



6.As stated by the learned Single Judge, one more opportunity is granted to the petitioner to take up the examination, in order to clear the second class language test in Tamil, during May 2025 and December 2025. If the petitioner is not able to get pass in May 2025 and December 2025, appropriate orders shall be passed by the respondents in accordance with law based on the service conditions. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

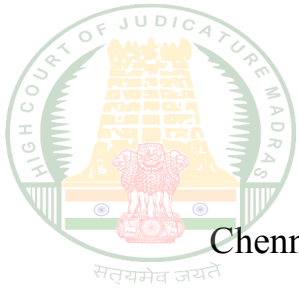
7.Even if any orders had been passed removing the petitioner, it would go against the teeth of the interim order granted protecting the service of the petitioner. Therefore, the petitioner may be permitted to continue in service.

25.03.2025

Index:Yes/No
Internet:Yes/No
smv

To

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2.The Director of Public Health & Preventive Medicine,
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3.The District Health Officer,
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C.V.KARTHIKEYAN,J.

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