



WP.No.16110 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.16110 of 2025

S.TamilSelvan

... Petitioner

Vs.

1. The Principal Secretary,
Health and Family Welfare Department,
Secretary, Chennai-600 009.
2. The Director,
Directorate of Public Health and Preventive Medicine
Teynampet, Chennai-600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to extend the time for reporting and joining in duty for the petitioner at Government Primary Health Centre, Adhanur, Thanjavur Health Unit District pursuant to the appointment and posting order issued by 1st Respondent R.No.9042223/E5/A3/2024-1912 dated 25.02.2025.

For Petitioner : Mr.K.Bharathi

For Respondents : Mr.E.Sundaram
Government Advocate



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ORDER

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The instant writ petition has been filed seeking the relief of writ of Mandamus, directing the first respondent to extend the time for reporting and joining in duty for the petitioner at Government Primary Health Centre, Adhanur, Thanjavur Health Unit District pursuant to the appointment and posting order issued by 1st Respondent R.No.9042223/E5/A3/2024-1912 dated 25.02.2025.

2. Heard Mr.K.Bharathi, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner would submit that the petitioner has joined MBBS course in the Government Sivagangai Medical College 2013-2019 and thereafter, he completed MD Course in Vellore Medical College between 2020-2023. In the meanwhile, through NEET SS counselling, the petitioner joined DM Critical Care Medicine Course in the year 2023. When he was studying in DM Critical Care Medicine, he participated in the examination for 2nd year Post Graduation in MRB examination. It is the specific submission of the petitioner that he is now III



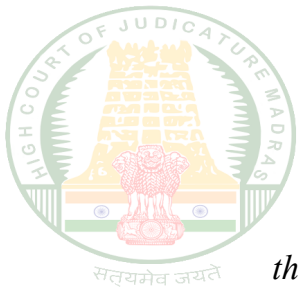
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year in the DM Critical Care and therefore, he seeks extension of six months time to join temporary appointment.

4. The contention was stoutly objected by the learned Government Advocate and would contend that in a similar circumstance, in WP.No.8727 of 2025 this Court rejected the application. For ready reference, this Court deems it appropriate to extract paragraphs 4 to 7 in the above order:-

“4.The learned Single Judge while examining the issue had arrived at an opinion that the proviso to Section 7(5) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 provides for extension of time limit upto six months for valid reasons and in special circumstances.

5.The provision indicates two separate facts to be considered. One, the circumstances must be special and the reason must be valid. Insofar as the petitioner is concerned, even on the date when the petitioner had applied for the post of Assistant Surgeon (General), the petitioner would have known that even if selected, he would never be in a position to join duty. He was doing his Post Graduation in Sree Mookambika Institute of Medical Sciences, Kanyakumari District. If, this fact had been disclosed to the respondents, they would have taken a considered decision to either appoint the petitioner or activate the reserve list and appoint any other deserving candidate. The petitioner has already enjoyed the benefit of doing Post Graduation and had kept quiet and later, when



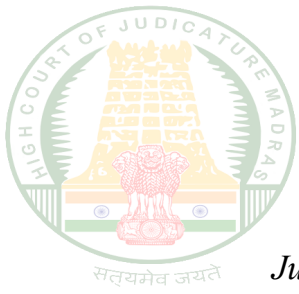
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the appointment order had been issued, now seeks advantage of the proviso to Section 7(5) of the aforementioned Act and states that the respondents must grant exemption and extend the time of joining.

6.The learned Single Judge had placed his observation on the aforesaid provisions of law. But the said provision can be put into effect only in special circumstances and in extraordinary circumstances. It could be put into effect in the event of an unforeseen circumstance, which happened after the selection process and the petitioner was not able to join the duty owing to circumstances, which had arisen subsequently disabling him from joining duty. The petitioner however assigns reasons, which were evident even before the selection process had commenced. They are neither valid nor could be categorised as a special circumstance.

7.With due respect, I am not able to convince myself to agree with the learned Single Judge. There cannot be any extension of service, particularly, when the petitioner had been called to join in Rural Health Service. The petitioner cannot, as a matter of right, seek extension and claim that only after completing her Post Graduation Course, which course he was already doing even at the time of applying for the post, he would join and render service. This could also be viewed as suppression of a fact and deliberate attempt at preventing an opportunity being granted to yet another candidate, who would be very much willing to join Rural Health Service in any nook and corner of the State and serve the poor people of the State. I am not impressed with the reasons given seeking extension. To that extent since the learned Single Judge had not addressed the issue from this perspective, I would hold the order of the learned Single



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5. The present facts of the case squarely covers with the ratio of the above order. Therefore, this Court could not find any merits in the present writ petition.

6. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

03.06.2025

kmi

To

1. The Principal Secretary,
Health and Family Welfare Department,
Secretary, Chennai-600 009.
2. The Director,
Directorate of Public Health and Preventive Medicine
Teynampet, Chennai-600 006.



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C.KUMARAPPAN, J.

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