



W.P.No.17567 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM:

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

W.P.No.17567 of 2024 and
W.M.P.19355 of 2024

R. Sathish Kumar

.. Petitioner

Versus

1. The Principal Secretary to Government,
Animal Husbandry, Dairying, Fisheries &
Fishermen Welfare Department,
Secretariat, Chennai – 600 009.

2. The Director,
Milk Production and Diary Development,
Madhavaram, Chennai – 600 051.

3. The Deputy Milk Commissioner,
Office of Milk Production and Diary Development,
Madhavaram, Chennai – 600 051.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiofarified Mandamus calling for the entire records pertaining to the impugned proceedings passed by the second



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respondent in No.Na.Ka.No.5149/A3/2024 dated 28.05.2024 and to quash the same and consequently direct the second respondent to reinstate the petitioner into service with all attendant benefits with continuity of services and pass orders.

For Petitioner : Mr.T.P. Savitha

For Respondents : Mr.Stalin Abhimanyu,AGP

ORDER

This petition is filed for issuance of a Writ of Certiofarified Mandamus calling for the entire records pertaining to the impugned proceedings passed by the second respondent in No.Na.Ka.No.5149/A3/2024 dated 28.05.2024 and to quash the same and consequently direct the second respondent to reinstate the petitioner into service with all attendant benefits with continuity of services and pass orders.

2. The facts of the case is that the petitioner got appointment as Assistant in the Respondent/Department on compassionate grounds on



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15.07.2016. Before regularization itself he has completed Bavani Sagar Training. The sum and substance of the case is that the second respondent vide order in Na.Ka.No.5149/A3/2024 dated 28.05.2024 dismissed the petitioner from the services due to the reason that he has not completed the Department Examination as per the guidelines issued in Rule 31(3) and (4) of Tamil Nadu Government Servants (conditions of Service) Act, 2016. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that the petitioner is the sole bread winner of the family and on compassionate grounds only he has been granted employment. He further submitted that without issuing any notice to the petitioner the charge memo has been issued and the petitioner was instructed to give explanation. Based on the said explanation petitioner's services was terminated. Hence, prays to grant further time to pass the Departmental examination by allowing this petition.

4.The learned Additional Government Pleader appearing for the



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submitted that this Court on 06.12.2024 passed an order stating that one final opportunity is granted to the petitioner to participate in the TNPSC Departmental Examination, which is to be held during the December, 2024 and if the petitioner is able to secure pass marks in the said examination, the respondent can consider the case of the petitioner. The petitioner is also permitted to apply afresh, if he has not applied earlier for the December, 2024 examination. It is pertinent to note that the last date for applying for the Departmental examination is 27.11.2024 and it is found from the applicants data that the said writ petitioner had not all applied to the said Examination, which clearly reveals that the petitioner is not interested to proceed with the Department Exams.

5. Heard both sides and perused the materials available on record.

6. Considering the facts that the last date for applying for the December 2024 Departmental Examination has been closed before passing orders in this petition, the impugned order passed by the second respondent is hereby quashed and this Court is inclined to give one more opportunity to the petitioner to take up the said examination during May



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2025, which is a final chance to the petitioner. If the petitioner is not able to get pass percentage during the May, 2025 exams, no further opportunity will be given and the respondents are directed to pass appropriate orders in accordance with law based on the service conditions.

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

27.01.2025

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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