



W.P.No.36253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.36253 of 2025

and

WMP No.40521 of 2025

Reddemma P

: Petitioner

Vs.

1.The State of Tamil nadu,
Represented by the Secretary to Government,
Health & Family Welfare Department,
Fort St.George,
Chennai-600009.

2.The Director of Public Health &
Preventive Medicine,
Teynampet,
Chennai- 600006.

3.The District Health Officer,
Tirupattur District -635 601.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to grant further opportunity to the petitioner to appear for the Second Class



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Language Test in Tamil to be conducted by Tamil Nadu Public Services Commission during December 2025 and May 2026 in the light of the representation submitted by the petitioner to the respondents.

For Petitioner : Mrs.R.Maheshwari

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

The present writ petition is filed for a direction to the respondents to grant further opportunity to the petitioner to appear for the Second Class Language Test in Tamil to be conducted by Tamil Nadu Public Service Commission during December 2025 and May 2026 in the light of the representation submitted by the petitioner to the respondents.

2. It is the case of the petitioner that the petitioner was selected to the post of Auxiliary Nurse Midwife vide proceedings/order dated 08.01.2020 issued by the second respondent and her place of posting was M.S.Kuppam PHC (Primary Health Centre), Tirupattur HUD (Health Unit District). The Deputy Director of Health Services issued an order dated 13.01.2020



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directing the petitioner to join the said place of posting. The petitioner had joined the department on 14.01.2020 at the time when the entire country was gripped in Covid-19 pandemic and she continued for over two years till 2022. The petitioner was thereafter entrusted with several additional charges to take care of Mittalam Health Sub-Centre and Venkatasamudram Health Sub-Centre. The mother tongue of the petitioner is Telugu. As per Section 21(2) of the Tamil Nadu Government Servants (Conditions of Service) Act, (hereinafter referred to as 'the Act, 2016'), the petitioner has to obtain linguistic qualification by passing a Second Language Test conducted by the Public Service Commission. On account of Covid-19, tests were not conducted for two years and the petitioner was allowed to continue in the work and she was neither discharged from service nor any notice of discharge was issued to her. Earlier, the petitioner had filed a writ petition in W.P.No.1643 of 2025 before this Court for a direction to the respondents to grant two years extension of time for passing the Second Class Language Test in Tamil. This Court, by order dated 24.01.2025, granted opportunity to the petitioner to participate in the test in May, 2025. It is the case of the



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petitioner that though she was successful in the written examination conducted on 26.05.2025, she has been declared fail in viva voce. The petitioner had thereafter submitted a representation dated 13.09.2025 to the respondents 1 and 2 requesting extension of the limitation period for passing the viva voce in the second class language. However, the respondents have not relaxed the limitation period and threatened the petitioner to terminate from service. Hence, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner would submit that as per Section 31 (1)(ii) of the Act, 2016, the respondents have got a discretion to extend the period of probation of the probationer in case the probation has not been extended under Section 33 of the Act. The petitioner was unable to clear the test in second class language. The present writ petition has been filed seeking to grant further opportunity to the petitioner to appear for second class language test by exercising the above discretion under the Act, 2016.



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4. Learned Additional Government Pleader for the respondents would submit that the petitioner was appointed on 08.01.2020 and as per the Act 2016, the petitioner ought to have completed the special qualification of obtaining the linguistic qualification, within a period of two years. The petitioner had earlier approached this court by filing a writ petition in W.P.No.1643 of 2025 in May 2025 and despite an opportunity being given to the petitioner to appear in the test in May, 2025, she has not cleared the test and thereby show cause notice has been issued to the petitioner.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the petitioner has been appointed on 08.01.2020. On account of Covid-19, tests were not conducted during that period. Though Section 21(2) of the Act, 2016, prescribes that if the candidate fails to pass the second class language test, within the said period of two years, the



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candidate shall be discharged from service, the respondents have not taken any steps to discharge the petitioner till date. Section 31(1)(ii) of the Act, 2016, provides discretion to the respondents to extend the period of probation in case the probation has not been extended under Section 33 of the Act, 2016. When a discretion is given to the respondents, the respondents can exercise such discretion by providing one opportunity to the petitioner. Further, the petitioner other than having not passed the linguistic examination has not been brought to any adverse notice. In such circumstances, this Court is of the opinion that one opportunity may be given to the petitioner to pass the linguistic test.

7. Accordingly, the respondents are directed to permit the petitioner to appear for the test during December, 2025 and no punitive action shall be taken by the respondents against the petitioner till the results of the test are declared. It is made clear if the petitioner is not able to clear the test, which is scheduled to be held in December, 2025, appropriate orders shall be passed by the respondents, in accordance with law based on the service



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conditions.

8. With the aforesaid directions, the writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

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2.The Director of Public Health &
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A.D.JAGADISH CHANDIRA, J.

(mrn)

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