



W.P.(MD)No.6882 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.6882 of 2025
and
W.M.P.(MD)Nos.5158 & 5159 of 2025

D.Muthu

... Petitioner

/Vs./

1.Union of India,
Through the Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.

2.Department of Personnel and Training,
Through its Secretary,
Ministry of Personnel and Training,
North Block, New Delhi.

3.Central Drugs Standard Control Organisation (CDSCO),
Through its Director-General,
FDA Bhawan, New Delhi.

4.Dr.Rajeev Singh Raghuvanshi,
Drugs Controller General of India (DCGI),
CDSCO, New Delhi.



W.P.(MD)No.6882 of 2025

WEB COPY

5.The Chairman,
Union Public Service Commission,
Dholpur House, Shajahan Road,
New Delhi - 110 069.

6.Appointments Committee of Cabinet (ACC),
Through the under Secretary (EO-SM.II),
North Block, New Delhi.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India praying to issue a Writ of quo warranto, directing the respondents to call the records to quash and set aside the impugned order (i.e.) the Office Order issued under F.No.A.11020/04/2024-DR-Part(1), dated 28th February 2025, by the Government of India, Ministry of Health and Family Welfare, Department of Health and Family Welfare as arbitrary and unconstitutional and to vacate the office.

For Petitioner : Mr.B.Saravanan
Senior Counsel

for Mr.R.Raghaev

For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General of India
Assisted by
Mr.K.Govindarajan
Deputy Solicitor General of India



W.P.(MD)No.6882 of 2025

WEB COPY

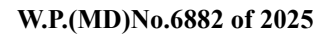
ORDER

(Order of the Court was made by **Dr.ANITA SUMANTH, J.**)

The petitioner seeks a Writ of Quo Warranto directing the respondents to call for, and quash Office Order dated 28.02.2025 issued by the first respondent/Secretary, Ministry of Health and Family Welfare, as arbitrary and unconstitutional.

2. As a sequitur, the petitioner seeks a direction that the Office of the Drug Controller (India), Central Drugs Standard Control Organization (CDSCO) be vacated to make way for a fresh appointment per applicable Rules.

3. Mr.B.Saravanan, learned Senior Counsel, who appears for Mr.R.Raghaev for the petitioner claims that the present writ petition is instituted in public interest. The petitioner claims to be a distinguished scholar in Bio Sciences and has set out his academic credentials in the writ affidavit. There is no objection to the credentials of the writ



4. The petitioner submits that the age of retiree of a Central Government Employee by superannuation is 60 years and an extension is provided for only in terms of DO Letter No.28/19/2000-EO (SM-II) dated 10.07.2000, issued by the Department of Personnel and Training (DoPT). The extension is to be granted only in exceptional circumstances, after careful scrutiny of the integrity of the candidate and after the appropriate authority assigns reasons for such extension.

5. The petitioner assails the appointment of Dr.Rajeev Singh Raghuvanshi, who had been appointed as Drug Controller General of India (DCGI) on 01.02.2023. Vide an advertisement dated 29.07.2024, applications were sought for from eligible candidates in anticipation of the superannuation of Dr.Raghuvanshi.

6. Though 18 applicants had applied for the post, the appointment of Dr.Raghuvanshi was extended on contract for a period of one year vide Office Order dated 28.02.2025 thus abandoning the process of fresh recruitment.



W.P.(MD)No.6882 of 2025

WEB COPY

7. The petitioner is aggrieved by the extension granted with effect from 01.03.2025 and says that it is contrary to the Statute and Rules as well as the guidelines issued by the Department of Personnel and Training (DoPT) in Office Memorandum No.26012/62002-ESTT(A) dated 09.12.2002.

8. According to the petitioner, the above guidelines prescribe the circumstances when extension in service could be granted and in this case, no compelling circumstance have made out. The petitioner also alleges that the extension of service of the present DCGI is sans the required transparency.

9. A role of such importance, involving the provision of critical services, calls for transparency and accountability, to ensure efficacy of quality of contracts and medical services. In the present case, the extension, according to the petitioner, is arbitrary and unjustified and liable to be set aside. Hence, this writ petition.

10. The petitioner relies on the following judgments:-



W.P.(MD)No.6882 of 2025

(i) *Hari Bansh Lal vs. Sahodar Prasad Mahto and Others*¹

(ii) *K.Kuppusamy and Another vs. State of T.N. And Others*².

11. Per contra, MR.AR.L.Sundaresan, learned Additional Solicitor General of India appearing for Mr.K.Govindarajan, Deputy Solicitor General of India for the respondents, assails the very maintainability of the writ petition pointing out that a Writ of Quo Warranto would lie only in a situation where the candidate in question did not possess the requisite qualifications.

12. Learned ASG would point out that there is no challenge to the eligibility of Dr.Raghuvanshi to hold the post of DCGI, as he had been holding that post even earlier. He cites the following judgments:-

(i) *B.Srinivasa Reddy vs. Karnataka Urban Water Supply & Drainage Board Employees Association*³.

(ii) *Hari Bansh Lal vs. Sahodar Prasad Mahto and Others*⁴
(2010 (9) SCC 655).

(iii) *S.Sivaguru vs. State of Tamil Nadu and Others*⁵

1 2010 (9) SCC 655

2 1998 (8) SCC 469

3 2016 (11) SCC 731 II

4 2010 (9) SCC 655

5 2013 (7) SCC 335



W.P.(MD)No.6882 of 2025

(iv) *Gambhirdan K.Gadhvi vs. State of Gujarat and Others*⁶

(v) *Mahesh Chand Bareth and Another vs. State of Rajasthan and Others*⁷.

(vi) *Central Electricity Supply Utility of Odisha V. Dhobei Sahoo and Others*¹

13. The Respondents argue that the Fundamental Rules ('FR') and service jurisprudence, in general, vest sufficient authority in governmental authorities to effect appointments and extensions of tenure to tide over exigencies.

14. Under Office Order dated 28.02.2025, the services of the DCGI had been extended on contract basis for a period of one year with effect from 01.03.2025. The extension was for the reason that the Recruitment Rules of the Department of Health and Family Welfare were being reviewed and hence, it was necessary to continue the services of the DGCI till such time the Rules were finalized. That Order has not, in fact, been specifically challenged.

6 2022 (5) SCC 179

7 2024 (8) SCC 124

1 (2014) 1 SCC 161



W.P.(MD)No.6882 of 2025

WEB COPY

15. The mandate of Article 309 of the Constitution and the proviso thereunder, and the procedure as contemplated under FR and applicable Office Memorandum have been followed scrupulously. Therefore, it was well within the remit of the Appointments Committee to extend the appointment by way of a short term contractual appointment.

16. Learned ASG alleges suppression and non-disclosure of material facts by the petitioner pointing out that a writ petition with an identical prayer had been filed before the Delhi High Court and had been withdrawn on 23.03.2023. Present writ petition had been instituted on 06.03.2025 and the factum of pendency of the litigation before the Delhi High Court had not been disclosed. In all, the present writ petition is both bereft of merit and lacks maintainability.

17. We have heard the detailed submissions and perused the material papers as well as case law cited.

18. It is a well settled position that a Writ of Quo Warranto



W.P.(MD)No.6882 of 2025

takes sustenance from an appointment that is established to be illegal, either for lack of qualification of the candidate concerned or as the candidate has earned a disqualification for that post. One may make useful reference to the judgments in *Central Electricity Supply Utility of Odisha*², *B.Srinivasa Reddy*³ and *Hari Bansh Lal*⁴, in this regard.

19. In the present case, there is no dispute raised by the petitioner on the eligibility of Dr.Raghuvanshi to hold the position of DCGI. He had been appointed to the post on 01.02.2023 and his qualifications, and entitlement to hold that post, were never in question. The plea quo warranto is thus negatived.

20. That is however not all, as in the second limb of the prayer, the petitioner has also sought to set aside Office Order dated 28.02.2025 granting extension of the tenure of DCGI for a period of one year. The primary argument revolves around the authority under which that extension has been granted.

21. The order is extracted below:-

2 Footnote (8) supra

3 Footnote (3) supra

4 Footnote (4) supra



WEB COPY



W.P.(MD)No.6882 of 2025

'In pursuance of the approval of Appointments Committee of the Cabinet as contained in their communication no. 5/3/2023-EO(SM-II) dated 20.02.2025, Dr. Rajeev Singh Raghuvanshi is re-employed as the Drugs Controller (India), Central Drugs Standard Control Organisation (CDSCO) on contract basis for a period of one year w.e.f. 01.03.2025, i.e. beyond his attaining the age of superannuation, or till the appointment of regular incumbent to the post, or until further orders, whichever is the earliest, by keeping the Recruitment Rules of the post in abeyance.'

XXXX

(Dr.Kiran Kumar Karlapu)
Director

22. It has been specifically argued that there is no justification given for the re-employment of DCGI on extension of contract basis for one year. Moreover, there is no justification for the Recruitment Rules for that post to have been kept in abeyance. We had called for the relevant records to ascertain the justification/reasons for extension of services of Dr.Raghuvanshi. Extract of file notings in Notes 93, 94, 95, 96, duly certified, have been produced for our perusal.

23. The notes reveal the justification for issuance of the order dated 28.02.2025. The authorities state that Dr.Raghuvanshi held the



W.P.(MD)No.6882 of 2025

post of DCGI on Short Term Contract basis from 23.02.2023 till his superannuation on 28.02.2025. In anticipation of the vacancy falling with effect from 01.03.2025, a proposal had been initiated for filling the post on deputation basis and the post had been advertised with the approval of the competent authority, being the Hon'ble Minister for Health and Family Welfare (HFM).

24. The response to the advertisement was lukewarm, and hence, the last date for submission had been extended upto 23.11.2024. To this, 18 applications had been received, and the Committee found only two out of the eighteen eligible. The authorities thus concluded that the paucity of sufficient candidates was on account of the restrictive nature of the Recruitment Rules, that prescribed qualifications and experience in specific domains only.

25. Hence, the authorities decided that the ambit of search must be broadened with a wider spectrum of qualifications and experience that would commend itself to a larger cross section of eligible candidates. That apart, they say that the Recruitment Rules for the posts



W.P.(MD)No.6882 of 2025

under Medical Devices, which is a set of posts vertical to the CDSCO, also functioning under the aegis of the Drugs Controller (India), allow for the recruitment of candidates with qualifications in select Engineering Streams also.

26. This was yet another reason that persuaded the authorities to review the Recruitment Rules for the post of DCGI. It is pending this process, and to facilitate the same, that Office Order dated 28.02.2025 had been issued extending the services of the DCGI under contract for a period of one year. As a consequence, both advertisements issued earlier had been withdrawn, after obtaining the approval of the Hon'ble HFM.

27. On perusal of the file notes produced before us, we find there has been application of mind and sufficient justification for continuance of the then DCGI pending review of the Recruitment Rules for the post of DCGI. We would only expect that, as the contract now expires on 28.02.2025, the concerned authorities are taking all necessary measures to finalise the Recruitment Rules in time for a seamless transition of the post of DCGI to a new incumbent.



W.P.(MD)No.6882 of 2025

WEB COPY

28. That apart, under order dated 28.02.2025, the appointment of the DCGI has been extended on contract, for a period of one year with effect from 01.03.2025, till the appointment of regular incumbent or until further orders, whichever of the aforesaid periods was earlier. Hence, the period of one year is the outer time limit for the extension of services of the DCGI, that comes to an end on 28.02.2026. Mr.Sundaresan accedes to this position.

29. The petitioner has argued that an Executive Order cannot override the stipulation under the Rules. However, we do not find any merit in this submission. Office Memorandum ('OM') No.DOPT-1669894287310 dated 01.12.2002, refers, in Clause A thereof, to recruitments or extensions in service, under the Fundamental Rules. FR 56(a) provides that except as provided under that Rules, every government servant shall retire from service on the afternoon of the last day of month, in which he attains the age of 60 years.

30. Clause (d) of FR 56, and the proviso thereunder, to the extent to



W.P.(MD)No.6882 of 2025

which it is relevant to this case, reads as follows:-

'(d) No government servant shall be granted extension in service beyond the age of retirement sixty years:

.....

Provided further that a specialist in medical or scientific fields may be granted extension of service up to the age of sixty-two years, if such extension is in public interest and the grounds for such extension are recorded in writing.

.....'

31. Hence, in cases of appointments relating to medical or scientific fields, such as the DCGI, it is permissible for the competent authority to grant an extension upto the age of 62, if the extension is in public interest and the grounds of extension are recorded in writing. The question of public interest, in our opinion, is apparent, as the post of Drug Controller of India is a critical one, and one that cannot be left unmanned, and there must be an eligible person in situ, at all times.

32. As far as the grounds for extension are concerned, we have referred to the file notings based on which the extension was necessitated. The question of extension of tenure of a candidate, is normally a matter to be decided by the competent authority. There is no



W.P.(MD)No.6882 of 2025

scope in intervention in such extension, unless it is shown that the extension was arbitrary, malafide or for extraneous reasons. In the present case, the extension is seen to be justified for the reasons set out in paragraphs supra.

33. In Clause (C) under OM dated 01.12.2022 that sets out the 'Procedure for Grant of extension', sub-clause (4), refers to the procedure for 'consideration of cases for extension of services of specialists in medical / scientific fields' that reads as follows:-

'The overriding consideration for the grant of extension is that it must be in the public interest and in addition satisfy one of the following two conditions:

(i) that the retiring specialist is not just one of the outstanding officers but is really head and shoulders above the rest; (or)

(ii) that other specialists are not ripe enough to take over the job.'

34. The guidelines for extension of appointment are two pronged, firstly, that the extension is in public interest and secondly, that the retiring Officer is of outstanding merit or that there are no other competent specialists to take over the job.



W.P.(MD)No.6882 of 2025

WEB COPY

35. We are satisfied on the aspect of public interest. As to the competence of the present DCGI, no material has been placed before us to indicate otherwise. It is not even the case of the petitioner that the DCGI is ineligible or incompetent, though in the pleadings, petitioner makes incidental reference to the fact that prior to his appointment, the DCGI did a stint in the private sector, holding a senior position in Dr.Reddy's Laboratories. This does nothing to militate against the extension, as no questions have been raised on this score even at the first instance.

36. Then again, Office Memorandum No.26012/6/2002-Estt.(A) dated 09.12.2002 issued by the Department of Personnel and Training (DoPT) guidelines also refers to the Fundamental Rules, and reads as follows:-

No. 26012/6/2002-Estt. (A)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)
New Delhi, dated 9th December, 2002
OFFICE MEMORANDUM



W.P.(MD)No.6882 of 2025

WEB COPY

Subject : Grant of extension/re-employment to Central Government servants beyond the age of superannuation – issue of instructions regarding.

The undersigned is directed to say that the criteria for grant of extension/re-employment to Central Government employees beyond the age of superannuation are laid down in the DoPT O.M.No. 26011/1/77-Estt.(B) dated the 18th May, 1977. After May, 1998 and when the age of retirement of the Central Government employees increased from 58 to 60 years, some of the instructions contained in the O.M. dated 18th May, 1977 referred to above have lost their relevance. Accordingly, it has been decided to revise the instructions relating to extension/re-employment to Central Government employees.

2. In the absence of specific orders to the contrary by the competent authority, a Government servant must retire on the due date. The date of superannuation of a Government servant is known in advance and ordinarily there should not be a question of failure to make arrangements for his release sufficiently in advance. It is the responsibility of the administrative authority concerned to ensure that the Government servants under their control retire on the due date.

*3. **Extension:** F.R. 56(d) states that no Government servant shall be granted extension of service beyond the age of 60 years. However, provisions exist in the rules to grant extension of service to certain category of Government servants only. Therefore, it must be ensured that no Ministry/Department should propose to grant extension in service unless the case is covered by the Rules.*

4. The proposal for grant of extension in service to the categories of personnel referred to in the first, second and third proviso to F.R. 56(d) shall be referred to the Estt. Division of Department of Personnel and Training two



W.P.(MD)No.6882 of 2025

months prior to the date on which the individual concerned is due for superannuation. The procedure for grant of extension to the Scientists is laid down in DoPT d.o. letter No. 28/19/2000-EO(SM-II) dated the 10th July, 2000.

....

37. Clause 3 refers to FR.56(d) and states that no government servant shall be granted extension of service beyond the age of 60 years. However, this is not unconditional, as Clause 3 itself, refers to those circumstances when services may be extended. Thus, the Rules enable the extension of services where required, and in genuine circumstances.

38. That apart, Rule 5 of the Central Drugs Standard Control Organization (Drugs Controller (India)) Recruitment Rules, 2011 also enables the authority to relax the Rules where necessary, and states that *'Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, in consultation with the Union Public Service Commission and for reasons to be recorded in writing, relax any of the provisions of these rule with respect to any class or category of persons.'*



W.P.(MD)No.6882 of 2025

WEB COPY

39. We have narrated the background in which the subject extension was made and find the same to be acceptable and justified. Moreover, there is no material before us to indicate that the authorities have acted in a way contrary to the Rules in granting the extension of tenure. Above all, the Government of India (Transaction of Business) Rules, 1961, adumbrates the constitution of the Standing Committee of the Cabinet in the First Schedule thereto, along with the functions assigned to each Committee.

40. The first Committee in that Schedule is the Appointments Committee of the Cabinet (ACC), which is to take decisions in respect of appointments to various posts. Under clause (xiv), the ACC is empowered *'to decide cases relating to employment or re-employment of any person, who has attained the age of superannuation, in any Department of the Government of India, any State-owned public corporation, company or enterprise, in a post, appointment to which requires approval of the Appointments Committee of the Cabinet.'*

41. The assumption of authority by the ACC to consider the



W.P.(MD)No.6882 of 2025

extension of tenure of the DCGI, is thus, in the facts and circumstances of the present case, inherent and cannot be assailed, particularly in the absence of any material to indicate that such extension was perverse or contrary to public interest.

42. We thus conclude that there is no infirmity in order dated 28.02.2025, and this writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

[A.S.M.J.] & [C.K.J.]
25.11.2025

NCC :Yes/No
Index :Yes/No
sm

To

1.The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.

2.The Secretary,
Department of Personnel and Training,
Ministry of Personnel and Training,
North Block, New Delhi.

3.The Director-General,
Central Drugs Standard Control Organisation (CDSCO),
FDA Bhawan, New Delhi.

20/22



WEB COPY



W.P.(MD)No.6882 of 2025

4.The Drugs Controller General of India (DCGI),
CDSCO, New Delhi.

5.The Chairman,
Union Public Service Commission,
Dholpur House, Shajahan Road, New Delhi - 110 069.

6.The Under Secretary (EO-SM.II),
Appointments Committee of Cabinet (ACC),
North Block, New Delhi.



WEB COPY



W.P.(MD)No.6882 of 2025

Dr.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

sm

Order made in
W.P.(MD)No.6882 of 2025

Dated:
25.11.2025