



W.P.(MD)No.6828 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

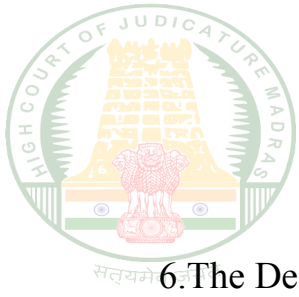
W.P.(MD)No.6828 of 2025

P.Hari Subacini

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep by its Principal Secretary to Government,
Department of Health and Family Welfare,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Public Health and Preventive Medicine,
Chennai 600 006.
- 3.The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Thoothukudi District.
- 4.The Medical Officer,
Primary Health Centre,
Mudivaithanendal,
Thoothukudi District.
- 5.The Chairman,
Medical Services Recruitment Board,
7th Floor, DMS Buildings,
359, Anna Salai,
Teynampet,
Chennai 600 006.



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6.The Dean Tirunelveli Medical College,
High Ground,
Palayam Kottai,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the respondents more specifically the respondents 1, 3 and 5 to consider the petitioner's representation dated 27.02.2025 positively and consequently direct them to grant extension of time for a period of 10 months i.e., till January 2026 to report to duty in pursuant to her appointment order in R.No.9042223/E5/A3/2024-967 so as to enable her to complete her Doctor of Medicine in Cardiology with the sixth respondent and for other consequential reliefs.

For Petitioner : Mr.S.Ramesh

For R1 to R4, R6 : Mr.S.Vinoth
Government Advocate

For R5 : Mr.V.Ramesh

ORDER

This writ petition has been filed seeking a writ of Mandamus directing the respondents to extend the time for reporting and joining in duty pursuant to the appointment order issued to her by considering her representation.



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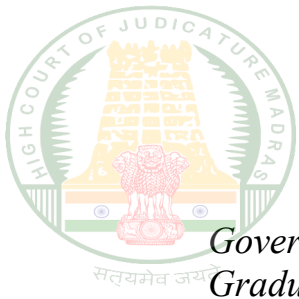
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2. The petitioner in this case is prosecuting Doctor of Medicine in Cardiology in the sixth respondent College. The petitioner participated in the selection process for the post of Assistant Surgeon and he was appointed and posted as Assistant Surgeon by the second respondent vide appointment order, dated 25.02.2025. As per the appointment order, he has to report and join the duty within 15 days from the date of receipt of the appointment order. She submitted a representation, dated 28.02.2025 to the respondents 1, 2 and 5 seeking to grant extension of time to join the duty. As the said representation is not considered, she filed this writ petition.

3. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the respondents 1 to 4, 6 and the learned Standing Counsel for the fifth respondent.

4. The issue involved in this writ petition has already been considered by this Court in W.P(MD)Nos.5940 and 6252 of 2025 and passed a detailed order on 11.03.2025. The relevant portion of the said order is extracted herein under:

7. The Post Graduate courses are the primary channel through which the State Government replenish their specialist doctors. The State



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Governments allot substantial resources and funds to train Post Graduate medical students with expectation that those doctors will contribute to the State Health Care System.

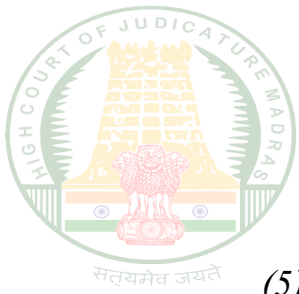
8. Nowadays, having specialists in different subjects of medicine within the State Health Care System is very essential than earlier days, particularly in the light of suffering such as Covid-19 pandemic and raising of non-communicable diseases. The petitioners in these two writ petitions are undergoing Post Graduate Courses from the year 2022 and they are going to complete it within few months. The petitioners in W.P(MD)No.5940 of 2025 are going to complete their Post Graduate Courses in the month of October and November 2025. The petitioner in W.P(MD)No.6252 of 2025 is going to complete the Post Graduate Courses by April 2025. As such, the petitioners required some time to join duties as Assistant Surgeons pursuant to the appointment orders issued by the Director of Public Health and Preventive Medicine.

9. At this juncture, it is relevant to extract sub section (5) of Section 7 of the Act for proper adjudication of the issue involved in these writ petition as herein under:

(5) If an approved candidate selected by the Commission for appointment by direct recruitment fails to join duty ordinarily within three months from the date of receipt the orders directing him to join duty or within an earlier date, if so specified by the appointing authority in special circumstances, he shall forfeit his right for appointment to the post and his name shall be removed from the approved list:

Provided that in special circumstances, the appointing authority may extend the time-limit referred to in this sub-section up to six months for valid reasons: (emphasis is our's)

Provided further that in exceptional circumstances, if any candidate is allowed to join duty beyond the time limit of six months, his seniority in that post shall be fixed below the junior most candidate appointed to that post in that service on the date of his joining duty.

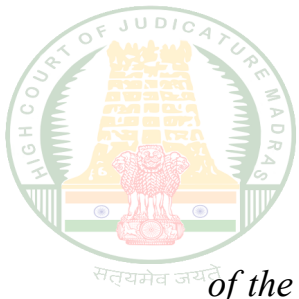


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10. On bare perusal of the First Proviso to sub section (5) of Section 7 of the Act, it is provided that in special circumstances, the appointing authority may extend the time limit referred to in sub section(5) of Section 7 of the Act upto six months for valid reasons. It is further provided that in exceptional circumstances if any candidate is allowed to join duty beyond the time limit of six months, his seniority in that post shall be fixed below the junior most candidate appointed to that post with service on the date of joining his duty.

11. The State Government and the Director of Public Health and Preventive medicine who is the appointing authority ought to have considered the request of the petitioners to extend the time limit to join duty as stipulated in the appointment order considering the situation of the petitioners treating to be as special circumstances. If the petitioners are allowed to complete their Post Graduate in different specialization, it is useful to the State's Health Care System. They can contribute the State Health Care System as specialist doctors. Apart from loosing 2 ½ years time, effort and money dedicated by the petitioners, who are medical post graduate students from Tamil Nadu, towards their academics, gazillions of money spent on the students' post graduate education by the State Government would be rendered wasteful and adversely impacts the State exchequer. It is over all a loose-loose situation if the petitioners are not allowed to finish their post graduate courses just to oblige the time stipulated in the appointment order. The condition, which cuts down their chances of finishing their courses, will also put them in a disadvantageous place compared to their counterparts from other parts of the country and makes them less competent and less competitive. As such, the State Government should consider the request of the petitioners to extend the time for joining the post after completion of post graduate course to make it a win-win situation.

12. At the same time, there is no substance in the contention of the respondents that they have to wait for another two years for joining of the petitioners into service in view of the fact that the petitioners are going to complete the Post Graduate courses within few months.



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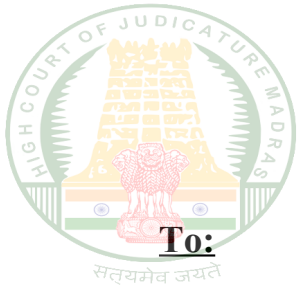
13. Considering all these aspects and considering the difficulties of the petitioners to study the Post Graduate courses in Medical field in this tough competitive system hailing from ordinary families and to save public money spent by the State Government on each medical student and to have a specialist doctors in the State with different specialization to serve the needy, this Court holds that the request of the petitioners, for extension of time is supported by valid reasons and in the interest of justice.”

5. By following the aforesaid order, the writ petition is allowed with a direction to the Director of Public Health and Preventive Medicine to extend the time limit referred to in the appointment order issued in favour of the petitioner by following proviso to sub section(5) of Section 7 of the Tamil Nadu Government Servants (Conditions of Service) Act.

There shall be no order as to costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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- 1.The Principal Secretary to Government,
Department of Health and Family Welfare,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Public Health and Preventive Medicine,
Chennai 600 006.
- 3.The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Thoothukudi District.
- 4.The Medical Officer,
Primary Health Centre,
Mudivaithanendal,
Thoothukudi District.
- 5.The Chairman,
Medical Services Recruitment Board,
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359, Anna Salai,
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- 6.The Dean Tirunelveli Medical College,
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BATTU DEVANAND, J.

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