



W.P.(MD)No.7864 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.7864 of 2025

and

W.M.P(MD)No.5954 of 2025

T.Sri Haarini

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Family and Welfare Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Director of Public Health and Preventive Medicine,
64,75, Varadharajapuram Main Road,
Chokkalingam Nagar,
Teynampet, Chennai -6
- 3.The Medical Service Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet, Chennai -6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to grant relaxation and extension of time to join the duty as Assistant As Surgeon



W.P.(MD)No.7864 of 2025

(General) in pursuant to the appointment order, dated 25.02.2025 of the Petitioner until the completion of Post Graduation course of the Petitioner taking into consideration of the upcoming vacancies.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.S.Vinoth
Government Advocate

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.

2. The petitioner in this case is pursuing Post Graduate Course in Anesthesiology. The petitioner participated in the selection process for the post of Assistant Surgeon and she was appointed and posted as Assistant Surgeon by the second respondent vide appointment order, dated 25.02.2025. As per the appointment order, she has to report and join the duty within 15 days from the date of receipt of the appointment order. In the said appointment order, if the candidate fails to joint duty within 15 days from the date of receipt of the appointment order, it will be cancelled without any further notice. Seeking for extension of time to join the duty, she filed this writ petition.

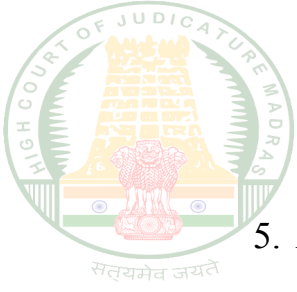


W.P.(MD)No.7864 of 2025

WEB COPY

3. The learned counsel for the petitioner submits that the petitioner joined in the three years Post Graduate Course in Anesthesiology one month back. The learned counsel for the petitioner has drawn attention of this Court to the Proviso to Section 7(5) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (hereinafter referred to as 'the Act') and would submit that though there is power to grant extension of time, the respondents for the reasons best known to them, have not extended the time and it is revealed that these posts are going to be filled with the candidates from the reserved lists.

4. Having heard the submissions of the learned counsel for the petitioner and on careful examination of the materials available on record, the admitted fact is the petitioner joined in P.G.Course only one months back. She has to pursue the course for three years. Hence, she can't insist the respondents to keep one post of Assistant Surgeon till she complete her course. There is no any bonafides or genuinity in her request. Rule 7 (5) of the Act is not applicable to the petitioner.



W.P.(MD)No.7864 of 2025

5. Accordingly, this writ petition is dismissed. No costs. Consequently,

the connected miscellaneous petition is closed.

21.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Principal Secretary to Government,
Family and Welfare Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Director of Public Health and Preventive Medicine,
64,75, Varadharajapuram Main Road,
Chokkalingam Nagar,
Teynampet, Chennai -6
- 3.The Medical Service Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet, Chennai -6.



WEB COPY



W.P.(MD)No.7864 of 2025

BATTU DEVANAND, J.

Sn

W.P.(MD)No.7864 of 2025

21.03.2025