



W.P.(MD)No.9756 of 2025 etc., batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)Nos.9756, 9926, 10043, 10156, 13644, 25261, 26655, 30359
to 30372 & 31590 of 2025

and

W.M.P(MD)Nos.7275, 7277, 7406, 7407, 7488, 7563, 7564, 20657,
20658, 23546, 23545, 23551 to 23558, 23570, 23571, 23575, 23585,
23611, 23613, 23600, 23602, 23589, 23591, 23540, 23542, 23544,
23547, 23549, 23550, 23559, 23560, 24766, 19810, 19814, 19817 and
9836 of 2025

W.P.(MD)No.9756 of 2025:

- 1.S.Shanmugapriya
- 2.A.Ajeeth Kumar
- 3.R.Gopika
- 4.R.Gowthamkanna
- 5.P.Rudhesh Kumar
- 6.K.Sundar
- 7.K.Thamarai Selvan

...Petitioners

Vs.

- 1.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,



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Chokkalingam Nagar,
Teynampet, Chennai-6.

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3.The Medical Service Recruitment Board,
7th Floor, DMS Buildings,
359, Anna Salai,
Teynampet, Chennai-600 006.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first and second respondents to grant relaxation and extension of time to join the duty as Assistant Surgeon (General) in their respective places until the completion of Post Graduate Course, on taking into consideration that the upcoming vacancies of the year 2026 was also filled in this recruitment, based on the representation submitted by the petitioners individually dated 26.02.2025, within a time frame to be fixed by this Court.

For Petitioners	: Mr.S.Nedunchezhiyan (No Appearance)
For Respondents	: Mr.J.Ravindran (R1) Additional Advocate General assisted by Mr.S.P.Maharajan Special Government Pleader Mr.S.P.Maharajan (R2) Special Government Pleader

COMMON ORDER

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

The writ petitioners are Doctors and the nature of relief sought for by them is two fold, one group of Doctors seeking mandamus



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directing the respondents to permit them to join service after completion of MD Course in October-December, 2025, (W.P.(MD)Nos.9756, 9926, 10043, 10156 & 31590 of 2025), and the second set of writ petitioners seeking Certiorari challenging orders cancelling the appointments issued to them (W.P.(MD)Nos.25261, 26655, 30359 to 30372 of 2025).

2.The common factual premise emanating from the submissions of Mr.Aswin Raja Simman and Ms.Rohini, learned counsel for the petitioners and Mr.J.Ravindran, learned Additional Advocate General and Mr.S.P.Maharajan, learned Special Government Pleader for the official respondents, is as follows:

(i)The petitioners are medical Doctors and have undergone studies in PG courses in various disciplines.

(ii)They had responded to a call for recruitment (notification dated 15.03.2024) to join Government Service and had been issued orders of appointments on 19.03.2025 in all cases barring the cases of Dr.V.Udhayakumar (W.P.(MD)No.10156 of 2025) whose appointment order is dated 26.03.2025, Dr.Ajith, (W.P.(MD)No.26655 of 2025) whose appointment order is dated 11.06.2025 and Dr.Viknesh, (W.P.(MD)No. 31590 of 2025) whose appointment order is dated 03.07.2025.



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(iii)As the petitioners were undergoing post graduate studies at that point in time, they chose to continue their studies and had not availed the benefit of the appointments extended to them.

(iv)The orders of appointments contain a clear stipulation to the effect that they would be valid for a period of 15 days from date of issue and if the candidate failed to join duty within the aforesaid period, it will be presumed that he/she is not interested and the appointment would stand cancelled without further notice. There is hence, merit in the contentions of the State that since the petitioners had not reported for duty within 15 days of date of receipt of appointment orders, the appointments stood cancelled without further reference to them.

(v)Be that as it may, in all cases, barring the petitioners in W.P. (MD)No 9756, 10043 & 31590 of 2025, formal orders of cancellation have been passed by the authorities, which are also the subject matter of challenge.

(vi)The details of the writ petitions, dates of appointment orders, dates of cancellation of the same and the course completion date, have been tabulated by the respondents and the tabulation is extracted below:



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S.No.	W.P.No.	Name of the petitioner	Date of Appointment	Date of cancellation	Subsequent writ petitions	Proposed course completion
1	W.P.(MD)No. 9756 of 2025 7 petitioners	S.Shanmugapriya.S	19.3.25			23.11.25
		Ajeeth Kumar.A	19.3.25			03.11.25
		Gopika R	19.3.25			21.10.25
		Gowthamkannan.R	19.3.25			20.10.25
		Rudhesh Kumar.P	19.3.25			23.11.25
		Sundar.K	19.3.25			11.1.2026
		Thamarai Selvan.K	19.3.25			24.10.25
2.	W.P.(MD)No. 9926/205 10 petitioners	Kavisankar.V	19.3.25	1.7.25	30359/25	.11.25
		Tamilarasi.V	19.3.25	1.7.25	30368/25	.11.25
		Dhivya.C	19.3.25	1.7.25	30366/25	.11.25
		Brindha.R	19.3.25	28.6.25	30369/25	.11.25
		Tharani.K	19.3.25	1.7.25	30372/25	.11.25
		Sanjay Kanna.C	19.3.25	28.6.25	30371/25	.11.25
		Manisha.V	19.3.25	28.6.25	30367/25	.11.25
		Mathan.R	19.3.25	1.7.25	30361/25	.11.25
		Aravindan.M	19.3.25	1.7.25	30362/25	.11.25
		Nandhini.P.K	19.3.25	1.7.25	30360/25	.11.25
3.	W.P.(MD)No. 10043/25	R.S.Gokul	19.3.25			.11.25
4.	W.P.(MD) 10043/25 4 petitioners	R.S.Gokul	19.3.25	28.6.25		.11.25
		Parameswari.M	19.3.25	1.7.25	30370/25	.11.25
		Tharane Galai K.R	19.3.25	1.7.25	30365/25	.11.25
		Udhayakumar .V	26.3.25	1.7.25	30363/25	.11.25
		Anand Prakash.K	19.3.25	1.7.25	30364/25	.11.25
5.	W.P.(MD) 13644 / 2025	Swetha.S	19.3.25	28.6.25	25261/25	.7.25
6.	W.P.(MD) 26655/25	Ajith.A	11.6.25	8.9.25		.11.25
7.	W.P.(MD) 31590/25	Viknesh.K	3.7.25			.10.25



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3.While the petitioners would rely upon the order passed by Battu Devanand J., in W.P.(MD)Nos.5940 and 6252 of 2025 on 11.03.2025, the respondents rely upon the order passed by C.V.Karthikeyan J., in W.P.(MD)No.8727 of 2025 on 19.03.2025.

4.The conclusions in the aforesaid cases are diametrically opposed in respect of the identical prayer as in the present matters. Learned Judge, in order dated 11.03.2025 has acceded to the request for interpreting the proviso to Section 7(5) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (in short 'Act') in favour of the petitioners.

5.The proviso states that in special circumstances the appointing authority will extend the time limit for appointment of the candidate for a period of up to six months, on valid reasons. Hence, the reasons put forth by the petitioners for completion of their ongoing post graduate courses were held to be valid, enuring in their favour.

6.Per contra, in order dated 19.03.2025, learned Judge holds that since, even as on the date of making the applications, the candidates were undergoing post graduate studies, they would have been well aware of the fact that, if appointed, they would not be in a position to join duty.



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The proviso to Section 7(5) of the Act is hence, of no benefit to the candidates and the petitioners cannot seek extension as a matter of right.

7.He goes on to say that their very application could be viewed as suppression of fact and a deliberate attempt to curtail the rights of others, who are entitled to avail of those opportunities. Holding the earlier decision to be per incuriam, learned Judge dismisses the writ petitions.

8.We have heard all learned counsel and perused the differing opinions of the learned Judges.

9.Section 7(5) of the Act and the proviso thereto, are extracted below:

“Approved candidates.

.....

(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 of the order 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 upto six months for valid reasons:

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. Section 7(5) mandates that if an approved candidate selected for direct recruitment fails to join duty, ordinarily within three months from date of receipt or within an earlier date if the order of appointment so specifies, he shall forfeit his right for appointment to that post and his name shall be removed from the approved list. The proviso thereunder vests discretion in the competent authority to extend the joining time up to six months, beyond what has been granted, for valid reasons.

11. In the present case, the orders of appointments required the candidates to report within 15 days from date of receipt. Admittedly, the date is long gone and the petitioners have not chosen to report to duty. Hence, in terms of Section 7(5) of the Act, the candidates forfeit their entitlement to appointment. There can be no two views in this regard.

12. As far as the application of the proviso is concerned, we agree with the State that it is an enabling provision that entitles the candidate to seek an extension in joining time, based on exceptional circumstances. Clearly, such exceptional circumstances could only have been occasioned pursuant to the filing of the application itself. In the present case, the circumstance that stood in the way of the candidates joining, existed even at the time of submission of the application.



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13.The appellants were well aware of the course they were undergoing and that they would be completed only in November / December, 2025. That apart, the phrase 'exceptional circumstances', indicates circumstances that are beyond the control of the candidate, such as for instance, medical or other personal reasons. The subsistence of a PG course is however, a matter of choice, despite which the candidates have applied for service. We are of the view that the proviso cannot be stretched to be attracted in such circumstances. We would not however, go so far as to attribute mala fides or suppression of facts, to them.

14.In light of the discussion as aforesaid, we are of the considered view that there is no merit in these writ petitions. We had sought from the State the present vacancy position to ascertain as to whether the petitioners, who have now completed their courses, may be accommodated. This would have been a win-win position as the State is also in constant need of qualified medical professionals.

15.The position note however, is of no help to the candidates as the State reports that, as on date, all vacancies notified under notification dated 15.03.2024 had been filled by activating the Reserve list in respect of the 325 candidates, who had failed to join within the stipulated time. In such circumstances, there is nothing further that can be done.



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However, the petitioners are at liberty to apply afresh, as and when the occasion presents itself.

16. These writ petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] [C.K.J.]
12.11.2025

Index : Yes/No
Internet : Yes
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**Note: Registry is directed to type full cause title,
while issuing this order.**



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To
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- 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 Buildings,
359, Anna Salai,
Teynampet, Chennai-600 006.



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

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