

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.1240 of 2026
and W.M.P.No.1437 of 2026

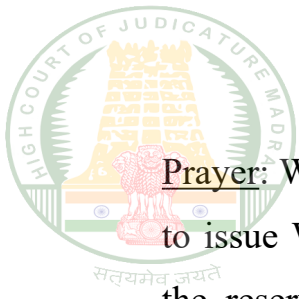
R.Nachimuthu,

..Petitioner

Vs

1. The Secretary to Government of Tamil Nadu,
Finance (Co-operative Audit) Department,
Fort St. George,
Chennai-600 009.
2. The Director -cum- Head of the Department,
Co-operative Audit Department,
Prof. K. Anbazhagan Maligai,
Nandanam,
Chennai-600 009.
3. The Deputy Secretary to Government
of Tamil Nadu,
Finance, (Co-operative Audit) Department,
Fort St. George,
Chennai-600 009.
4. Tmt. S. Subhadevi,
Co-operative Audit Officer,
Office of the Assistant Director of
Co-operative Audit (Chennai North),
Chennai.

..Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents 1 to 3 herein to operate the reserve list pertaining to the post of Assistant Director of Co-operative Societies under the Scheduled Caste Category in connection with the direct recruitment to the post of Assistant Director of Co-operative Audit in the Tamil Nadu Co-operative Service published by the Tamil Nadu Public Service Commission on 27.02.2024 and appoint the petitioner to the post of Assistant Director of Co-operative Audit, taking into account the fact that the 4th respondent has not joined the post of Assistant Director of Co-operative Audit even after a year without any extension order from the Competent Authority.

For Petitioner : Mr. N.Balamuralikrishnan

For Respondent: Mr.K.Tamilvendan,
Government Advocate
for R1 to R3

ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 herein to operate the reserve list pertaining to the post of Assistant Director of Co-operative Societies under the Scheduled Caste Category in connection with the direct recruitment to the post of Assistant Director of Co-operative Audit in the Tamil Nadu Co-operative Service published by the Tamil Nadu Public Service Commission on 27.02.2024 and appoint the petitioner to the post of Assistant Director of Co-operative Audit, taking into account the fact that the 4th respondent has not joined the post of



Assistant Director of Co-operative Audit even after a year without any extension order from the Competent Authority.

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2. It is the case of the petitioner that he entered service in the year 2008 through direct recruitment and is presently working as Cooperative Auditor in the Assistant Directorate of Cooperative Audit, Erode. Pursuant to Notification No.2 of 2022, dated 21.01.2022 issued by TNPSC, he applied for the post of Assistant Director of Cooperative Audit. Thereafter, he successfully written the examination, which was held on 30.04.2022 and the oral interview conducted on 31.10.2022. It is the grievance of the petitioner that though TNPSC published a revised provisional selection list on 27.02.2024, in which the 4th respondent was provisionally selected under SC (General) category, whereas he was positioned as the sole reserve candidate under the same category, with the reserve list being valid till the next recruitment.

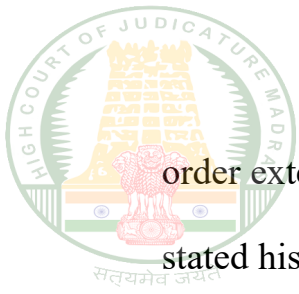
3. It is the case of the petitioner that the 4th respondent was not relieved to join the post on account of a punishment of stoppage of increment for one year with cumulative effect imposed in departmental proceedings. It came to light that no order extending the time for joining duty was passed by the appointing authority, and the 4th respondent has not joined duty even after more



than one year. In such circumstances, he submitted various representations dated 08.01.2025 and 27.10.2025, but despite the same, the respondents have not operated the reserve list. Therefore, this writ petition has been filed seeking for appropriate directions.

4. Learned counsel for the petitioner submitted that under the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, a selected candidate must join duty within three months, extendable up to six months, failing which the right to appointment stands forfeited unless exceptional circumstances exist. In the present case, no such extension was granted by the appointing authority. He further submitted that the punishment suffered by the 4th respondent cannot be treated as an exceptional circumstance, and therefore, the continued non-joining for over one year results in forfeiture of the provisional selection. Since the petitioner is the only reserve candidate, the respondents are bound to operate the reserve list. The failure to consider the petitioner's representations is arbitrary and illegal. In the light of the above, he prayed for issuance of appropriate directions by this Court.

5. Learned Government Advocate appearing for the official respondents submitted that the 4th respondent was provisionally selected and that the issue relating to joining was under administrative consideration. However, no specific



order extending the joining time was produced before this Court. Hence, he has stated his no objection for issuance of suitable directions in the above regard.

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6. This Court has considered the submissions made by learned counsel on either side and perused the records. Since no adverse orders are passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

7. From the aforesaid submissions, it reveals that the is the sole reserve candidate under the SC (General) category and that the 4th respondent has not joined duty even after the lapse of the maximum period prescribed under the Tamil Nadu Government Servant (Conditions of Service) Act, 2016. It is vague whether any order extending the time for joining was issued by the appointing authority to the 4th respondent.

8. Considering the limited scope of the relief sought, without going into the merits of the rival contentions, this Court directs the 2nd respondent to verify whether the 4th respondent has joined duty pursuant to the provisional selection.

If it is found that the 4th respondent has not joined duty within the time prescribed under the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, and no valid extension has been granted, the 2nd respondent shall



consider the petitioner's candidature by operating the reserve list, in accordance with law, after affording an opportunity of hearing to the 4th respondent. The 2nd respondent shall complete the aforesaid exercise, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

21-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
vsi2

To

1.The Secretary to Government of Tamil Nadu,
Finance (Co-operative Audit) Department,
Fort St. George,
Chennai-600 009.

2.The Director -cum- Head of the Department,
Co-operative Audit Department,
Prof. K. Anbazhagan Maligai,
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W.P.No.1240 of 2



M.DHANDAPANI J.

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