

WP No. 25830 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

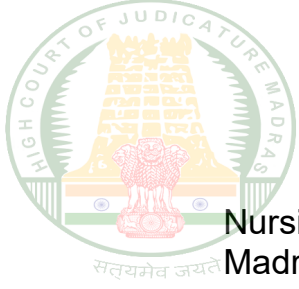
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 25830 of 2022

and

**WMP NO. 1096 OF 2023,,WMP NO. 24901 OF 2022,
WMP NO. 24902 OF 2022**

1. V.K.R.Periyar Selvi
W/o. C.Kamaraj,
Reader in Medical Surgical Nursing,
College of Nursing, Madras Medical College,
Chennai 03
2. T.Ramani Bai
W/o. M.Francis,
Reader in Community Health Nursing,
College of Nursing, Madras Medical College,
Chennai 03
3. R.Sumathi
W/o. M.Balaji,
Reader in Community Health Nursing,
College of Nursing, Madras Medical College,
Chennai 03
4. Seetharaman Vijayalakshmi
W/o. V.Ramakrishnan,
Reader in Child Health Nursing,
College of Nursing, Madras Medical College,
Chennai 03
5. V.Vijayalakshmi
W/o. Sivaraman,
Reader in Obstetrics and Gynaecological



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Nursing, College of Nursing,
Madras Medical College, Chennai 03

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..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George, Chennai 09
2. The Director of Medical Education
Kilpauk, Chennai 10
3. The Secretary
Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase I, New Delhi 110 020
4. The Registrar
Tamil Nadu Nurses and Midwives Council,
No. 56, Santhome High Road,
Mylapore, Chennai 04
5. Dr. R.Shankar Shanmugam,
S/o. Rajendran,
No.136, 2nd Main Road, T.V.S. Nagar,
Korattur, Chennai -76.

(R5 IMPEADED VIDE ORDER DT.
17.03.2023 MADE IN WMP.8459/2023 IN
WP.25830/2022)

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of writ of declaration to declare the impugned amendment Notification issued in G.O. Ms. No.188 Health and Family Welfare Department dated 13.06.2022 issued by the 1st Respondent as ultra vires, unconstitutional, arbitrary and



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illegal and consequently directing the respondents to follow the adhoc rules for the post of Principal, College of Nursing as notified in G.O. Ms.No.285 Health and Family Welfare Department dated 04.09.2008 as amended in G.O. Ms. No. 113 Health and Family Welfare Department dated 19.04.2021.

For Petitioner(s): Mr.G.Sankaran,
Senior Counsel,
for Mr.S.Nedunchezhiyan

For Respondent(s): Dr.R.Gouri,
Government Counsel for R1 & R2,

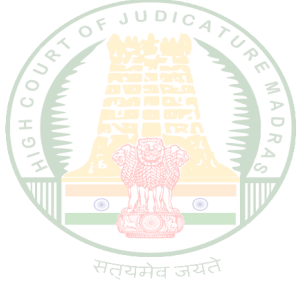
Mr.S.Siva Kumar
for Mr.K.Mayurapriyan for R5,

No Appearance for R3 & R4.

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Writ of declaration has been instituted to declare the impugned amendment Notification issued in G.O. Ms. No.188 Health and Family Welfare Department dated 13.06.2022 issued by the 1st Respondent as ultra vires, unconstitutional, arbitrary and illegal and consequently to direct the respondents to follow the adhoc rules for the post of Principal, College of Nursing as notified in G.O.Ms.No.285 Health and Family Welfare Department dated 04.09.2008 as amended in G.O. Ms.No.113 Health and Family Welfare Department dated 19.04.2021.



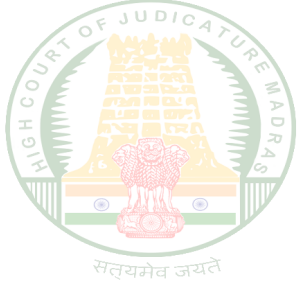
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2.Mr.G.Sankaran, learned senior counsel appearing on behalf of the writ petitioner would mainly contend that by the Adhoc rules issued in GO.Ms.No.113 Health and Family Welfare Department dated 19.04.2021 an amendment was issued to Rule 3, whereby the following rule and explanation thereunder were substituted:

“3.Appointment – Appointment to the post shall be made by promotion from the category of Reader in Nursing as per the Civil Nursing List seniority.

Explanation: The Civil Nursing list means the list in which the seniority of Nurses are maintained as per their appointment order”

However, in the impugned amendment issued in GO.Ms.No.188 dated 13.06.2022, the term “Civil Nursing List” seniority is taken away. Therefore the writ petition came to be instituted. It is contended that the impugned amendment in GO.Ms.No.188 dated 13.06.2022 was issued in pursuance of the interim order passed by the Division Bench of this Court on 13.09.2021 in W.P.No.18177 of 2020. The said Writ Petition was subsequently closed as infructuous and the impugned amendment came into force. In the event of enforcing the impugned amendment, there is likelihood of affecting the seniority of the petitioner for promotion and therefore, the present Writ Petition has been filed.



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3.The apprehension regarding alteration of seniority is not well founded.

It is only based on the deletion of the term 'Civil Nursing List', the petitioners have presumed that their seniority will not be followed for grant of promotion to the post of Principal from the feeder category of Reader in Nursing.

4.A conjoined reading of the amendment made in G.O.Ms.No.113 and G.O.Ms.No.188 would show that the appointment to the post of Principal shall be made by promotion from the feeder category of Reader in Nursing. It is needless to state that the promotions are to be granted in accordance with seniority and based on the promotion rules as applicable and by following the procedures contemplated for preparation of the panel and publication of the panel for grant of promotion. Seniority is also a criterion to be taken into consideration for grant of promotion, in respect of other criteria, the rules applicable to the post of Principal are to be followed. It is needless to state that regarding seniority, Section 40 of the Tamil Nadu Government Servants Conditions of Service Act, 2016 stipulates the procedure and for publication of seniority, Section 40 of the Act is to be followed. However, for grant of promotion, the promotion rules applicable to the post of Principal to be followed and this being the principles enumerated and established in service jurisprudence. Mere deletion of the words "Civil Nursing List" would not cause



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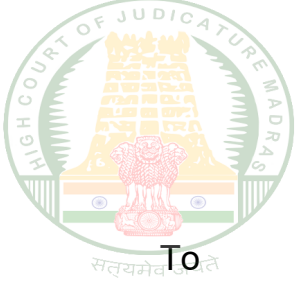
any prejudice to the interest of the employees working in the feeder category of Reader in Nursing and thus, the writ petitioner is not entitled to any other relief.

5. Accordingly, the Writ Petition stands dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
16-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No

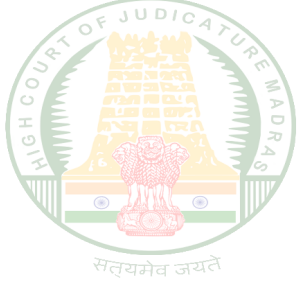
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To

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- 1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
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Fort St.George, Chennai 09
- 2.The Director of Medical Education
Kilpauk, Chennai 10
- 3.The Secretary
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