

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.4034 of 2025 AND
C.M.P.Nos.32809 of 2025, 488 and 7766 of 2026

1. G.Deepa
2. Sugan
3. Hemanthkumar
4. A.Kalaiarasi
5. T.Vishnu Prakash
6. P.M.Dikshapriya
7. J.Suruthi
8. B.Prabhudass
9. E.Shanthoshkumar
- 10.S.Reena
- 11.R.S.Kishore,
- 12.D.Yogeshwaran

... Appellants

-VS-

1. The Principal Secretary to Government
Government (Health and Family Welfare)
Department of Health and Family Welfare,
Secretariat, Chennai 600 009.
2. The Director
Directorate of Public Health
and Preventive Medicine,
359, Anna Salai, DMS Complex,
Teynampet, Chennai 600006
3. The Director,
Medical and Rural Health Services,
Teynampet, Chennai 600006
4. The Director
Directorate of Medical Services,
Chepauk, Chennai.



5. The Medical Services Recruitment Board (MRB),
Rep. by Member Secretary,
No.7th Floor, DMS Building,
No.359, Anna Salai, Teynampet,
Chennai - 600 006.

... Respondents

Prayer: To set aside the order dated 24.11.2025 in W.P.No.44847 of 2025 and allow the Writ Appeal as prayed for.

For Appellants: Mr.M.Gnanasekar

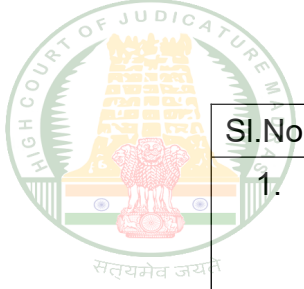
For Respondents: Dr.R.Gouri, Govt. Counsel for R1 to R4,
No Appearance for R5

J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Writ Order dated 24.11.2025 passed in W.P.No.44847 of 2025 is under challenge in the present Intra Court appeal. Writ Petitioners are appellants before this Court.

2. Medical Services Recruitment Board (MRB) issued Recruitment Notification on 17.02.2023, inviting applications for Direct Recruitment to the post of Ophthalmic Assistant in Tamil Nadu Medical Subordinate Services. Clause-6B of Notification provides Educational Qualification as under:



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Sl.No.	Name of the Post	Qualification
1.	Ophthalmic Assistant	i. Passed the two year Ophthalmic Assistant course conducted by a Government Medical College or any other institution recognized by the Directorate of Medical Education; or ii. Two year diploma in Optometry conducted by a Government Medical College or any other institution recognized by the Directorate of Medical Education and passed the three month condensed Para Medical Ophthalmic Assistant course conducted by the Regional Institute of Ophthalmology, Chennai or any other institution recognized by the Directorate of Medical Education.

3. Admittedly, Appellants are Degree Holders and thus, they were not considered to participate in the process of selection. Pertinently, the process of selection was notified in the year 2023, concluded and selected candidates numbering 83 were appointed.

4. Learned counsel for appellants would mainly contend that appellants have approached this Court at the earliest point of time on the ground that Degree Holders are also eligible to participate in the process of selection in view of amendment issued by Government in G.O.(Ms) No.180 Health and Family Welfare (C2) Department dated 17.06.2025. Amendment to Rule 5 was effected with effect from 01.09.2022. Therefore, case of appellants ought to have been considered for selection and appointment to the post of Ophthalmic Assistant. Even



before amendment, Writ Petition came to be filed in the year 2023, seeking a direction to permit petitioners therein to participate in the process of selection. Service Rule was also under challenge.

5. Pertinently, Section 25 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 denotes Special Qualifications. Explanation (II) to Section 25 states that "In cases where the special rules prescribe a diploma in a particular subject as qualification, then, a degree in that subject shall be deemed to be a higher qualification."

6. Admittedly, in the present case, Recruitment Notification dated 17.02.2023 prescribes two year Diploma in Optometry conducted by a Government Medical College or any other institution recognized by the Directorate of Medical Education. Since Degree Qualification was not included as eligible qualification in the Recruitment Notification, the case of appellants was not considered.

7. Government amended the Rule in G.O.(Ms) No.180 Health and Family Welfare (C2) Department dated 17.06.2025 and at that time, the process of selection was in progress. Selected candidates were subsequently appointed.



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8. As on the date of issuance of Recruitment Notification, qualification prescribed under Special Rule was notified by MRB, which cannot be said to be infirm. Rule was amended in the year 2025 and therefore, the case of appellants was not considered for their participation in the process of selection.

9. Learned counsel for the appellants would contend that since Rule was amended with retrospective effect from the year 2022, appellants ought to be permitted to participate in the process of selection.

10. This Court is of the considered view that in the event of considering such request, it would offend equality guaranteed under Article 14 and 16 of the Constitution of India. Equal opportunity in public employment is the Constitutional mandate. As per Notification, the process of selection was conducted, concluded and 83 selected candidates were appointed. Therefore, the case of appellants at this point of time cannot be considered for participation in the selection process, which was already concluded. In the event of considering their case, it would result larger repercussion, as several eligible Degree Holders are also longing to secure public employment and only in



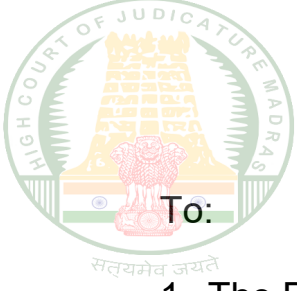
ensuing Recruitment Process, Degree Holders have to participate, if they are otherwise eligible under Rules.

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11. In view of the above position, there is no infirmity in respect of the finding of Writ Court. Consequently, the present Writ Appeal stands dismissed. No costs. Connected Miscellaneous Petitions are closed.

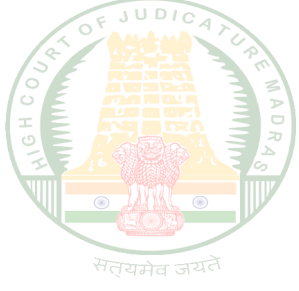
(S.M.S.,J.) (N.S.,J.)
01-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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