

WA(MD)No.1014 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.07.2026

CORAM

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR JUSTICE R.SAKTHIVEL**

WA.(MD)No.1014 and 1016 of 2026 and
CMP(MD) Nos.9122 and 9132 of 2026

Medical Services Recruitment Board,
Rep by its Member Secretary,
7th Floor, Dms Building,
359, Anna Salai, Teynampet,
Chennai -600 006.

... Appellants in both WAs.

- Vs. -

1. S.Arunachalam S/o. Shanmugam,
Ews, 314, Phase 2, Nh Colony, Noble Street,
Anbu Nagar, Perumalpuram,
Palyamkottai,
Thirunelveli District.

... Respondent(s) in WA(MD). 1014/ 2026

2. R.Krishnapriya
D/o.Ramamoorthy
1/4510 2nd street,
Thirukumaran Nagar, Palayampatti
Aruppukottai, Virudhunagar District

... Respondent(s) in WA(MD). 1016/ 2026



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2. The State of Tamil Nadu Repersented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai -600 009.

Respondent in both WAs

Prayer :Writ Appeals filed under Clause 15 of Letters Patent, praying to
prefer this Memorandum of Grounds of Writ Appeal against the order dated
10.02.2026 passed by Honourable Mr.Justice B.PUGALENDHI made in
W.P.(MD) Nos. 90 and 91 of 2026.

For Appellant : Ms.P.Yasmin Begum

For Respondents : Mr.C.Arul Vadivel @ Sekar
Senior Counsel for
M/s.S.Bharathi for R1

JUDGMENT

(Judgment of the Court was delivered by C.V.KARTHIKEYAN, J.)

The 2nd respondent in the writ petitions/Medical Services Recruitment
Board is the appellant herein questioning the common order passed by the
learned Single Judge in the present writ petition dated 10.02.2026.

2. The writ petitions have been filed consequent to the application to
the post of Ophthalmic Assistant in Tamil Nadu Medical Subordinate
Services pursuant to a notification of the appellant herein dated 07.02.2023.



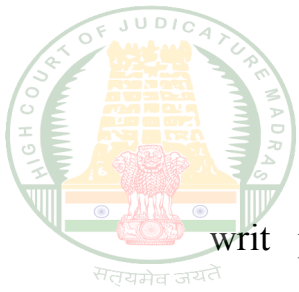
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The appellant herein proposed to recruit 96 posts of Ophthalmic Assistants in the Tamil Nadu Medical Subordinate Services inviting applications.

Qualification, which is required to apply, is as follows:

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. The writ petitioners had completed two years diploma in Optometry and therefore they are eligible on that ground but they should also have completed three months Condensed Paramedical Ophthalmic Assistant Course conducted by the Regional Institute of Ophthalmology Chennai or any other institute recognized by the Directorate of Medical Education. It is a common grant that this particular three months course had not been conducted either by the Regional Institute of Ophthalmology or by any other institution on and from 2003 onwards. Therefore, requiring the



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writ petitioners to have acquired that particular qualification is an impossibility.

4. It is also to be noted that those who had so completed three months course had filed a separate writ appeal, after obtaining leave, aggrieved by the earlier direction that there should not be any insistance of the three months course and the Division Bench of this Court in the writ appeals had directed that their applications should be considered. Specific directions issued by the Division Bench on the earlier occasion are as follows:

“4.This Court is of the considered opinion that the accrued right of the appellants cannot be denied. Therefore, the official respondents shall appoint the appellants immediately. Thereafter the appellants are directed to complete the course. On such completion, the appellants shall do their service.”

5. The appellant herein had filed a clarification petition and the Division Bench had ordered the clarification petition as follows:

“At the time of the dispute, the petitioners received 2300 applications and the respondents were among those, who had applied. Therefore the 2300 applications shall be



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considered, without including any further applications for filling up the 96 posts by following the earlier recruitment rules as per G.O(Ms) No.276 of the Health and Family Welfare (C2) Department, dated 01.09.2022.”

6. It is the contention of the learned counsel for the appellant was that the appellant was not particularly sure as to whether they could permit those who have not obtained the three months condensed course to be considered as Ophthalmic Assistant. We would only issue a clarification since subsequent notification itself had been issued relaxing the said condition and with retrospective effect. This has been done in G.O.Ms.No.180 Health and Family Welfare C2 Department dated 17.06.2025. For better appreciation, the said Government Order is extracted as follows:

“HEALTH AND FAMILY WELFARE (C2) DEPARTMENT

GO (Ms) No.180

dated 17.06.2025

Read:

1. G.O. (Ms). No.2484, Health, Indian Medicine and Homeopathy and Family Welfare Department, dated 22.12.1988.

2. G.O.(Ms)No.1310, Health and Family Welfare Department, dated 09.10.1991.

3. G.O.(Ms) No.276, Health and Family Welfare (C2) Department, dated 01.09.2022.

4. Orders of the Hon'ble Madurai Bench of Madras High Court



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in W.P. (MD) Nos.53528 5355 of 2023, dated 03.04.2023.

5. Orders of the Hon'ble Madurai Bench of Madras High Court in W.A.(MD) No.35 of 2024 and C.M.P.(MD) Nos 363 and 365 of 2024, dated 24.04.2025.

ORDER:-

In the Government Order first read above, orders have been issued framing of adhoc rules for the post of Ophthalmic Assistant in the Government Medical Institutions.

2. In the Government Order second and third read above, an amendment to the said adhoc rule in respect of the appointing authority and educational qualification respectively were issued for the post of Ophthalmic Assistant.

3.The Government have decided to issue amendment to the educational qualification prescribed in the adhoc rule for the said post.

4. Accordingly, the Government, after careful examination have decided to issue the following amendment to the adhoc rules issued in the Government Order first read above. The appended Notification will be published in the Tamil Nadu Government Gazette.

(BY ORDER OF THE GOVERNOR)

P.SENTHILKUMAR

PRINCIPAL SECRETARY TO GOVERNMENT

The Director of Medical and Rural Health Services, Chennai-600 006.

The Director of Medical Education and Research, Chennai - 600 010.



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This Government Order is the one, which is now in force. The appellant herein may therefore proceed to examine the applications already received on the basis of this Government order.

7. We issue this clarification in view of the fact that the earlier Division Bench had not been informed that the Government proposed to pass the particular Government Order to clarify the entire issue.

8. The writ appeals are disposed of with a direction to consider the application of the writ petitioners in the manner known to law and take appropriate decision if they come within the zone of selection on the basis of their qualification in two years diploma in Optometry. No costs. Consequently connected Miscellaneous Petitions are closed.

(C.V.K.,J.) (R.S.V,J.)
20.07.2026

NCC : Yes/No
Index : Yes/No

RR



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R.SAKTHIVEL, J**

RR

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