

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.3842 to 3844 and 8658 of 2017

T.Ramani Bai ... Petitioner
in WP.3842/2017

V.K.R.Periyarselvi ... Petitioner
in WP.3843/2017

S.Lilli Puspam ... Petitioner
in WP.3844/2017

1. S.Thenmozhi
2. A.Rani
3. E.Pramila Devi
4. R.Sumathi
5. M.Iniyaval
6. G.Mary
7. Sathayanarayani N
8. B.Lingeswari
9. Vijayalakshmi V
10. Anbuselvi Sellappan
11. T.R.Latha
12. Seetharaman Vijayalakshmi
13. T.Savitri
14. K.Murugayee
15. V.Muniammal
16. L.Shanthi Derma
17. A.Kannamal
18. Sobana Joy John
19. C.Rajamanickam
20. A.Senthil Kumaran
21. S.Gnanapraba
22. G.Selvarani
23. K.Kannan
24. A.Ravi
25. P.Amutha
26. M.Krishnaveni
27. N.Swarna Geetha

28. L.Selva Regi Ruben
29. G.Swaminathan
30. R.Padmavathy
31. R.Murugesan
32. M.Anbalagan
33. E.Kanniappan
34. C.Johnson
35. M.Chellapandi
36. V.Gomathi Priya

.. Petitioners
in WP.8658/2017

Vs.

- 1 The State of Tamil Nadu
Rep. by the Principal secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai-9.
- 2 The Director of Medical Education
Poonamallee High Road, Kilpauk
Chennai-10.
- 3 R.Shankar Shanmugham .. Respondents in all WP's

PRAYER in W.P.Nos.3842, 3844 and 8658 of 2017: Petition under Article 226 of the Constitution of India for issuance of a writ of Declaration, declaring G.O.(Ms) No.212, Health and Family Welfare (AA2) Department, dated 31.08.2016 issued by the 1st respondent herein insofar as it mandates teaching experience to be in the specified specialty subject to be appointed as Reader in Nursing for the specialized subject and prescribes for preference to be given to holders of Ph.D. Degrees in Nursing for appointment to the post of Reader in Nursing and makes it mandatory for a person to hold Ph.D. Degree in Nursing for appointment as Reader in Nursing (Research) and permits persons holding the post of Nursing Tutor Grade I or Nursing Tutor Grade II to be appointed directly to the post of Reader in Nursing (Research) as ultra vires Articles 14 of the Constitution of India.

PRAYER in W.P.No.3843/2017: Petition under Article 226 of the Constitution of India for issuance of a writ of Declaration, declaring G.O.(Ms) No.212, Health and Family Welfare (AA2) Department, dated 31.08.2016 issued by the 1st respondent herein insofar as it prescribes for preference to be given to holders of Ph.D. Degrees in Nursing for appointment to the post of Reader in Nursing and makes it mandatory for a person to hold Ph.D. Degree in Nursing for appointment as Reader in Nursing

(Research) and permits persons holding the post of Nursing Tutor I Grade or Nursing Tutor II Grade to be appointed directly to the post of Reader in Nursing (Research) as ultra vires Article 14 of the Constitution of India.

For Petitioners : Mrs.Hema Muralikrishnan

For Respondents : Mr.K.Venkataramani
Addl. Advocate General
assisted by
Mr.T.N.Rajagopalan
Government Pleader
(incharge)
for respondents 1 and 2

Mr.K.S.Viswanathan
for Mr.Sivakumar
for 3rd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The issues involved in these writ petitions are identical to the issues involved in the writ petition, being W.P.No.3841 of 2017, disposed of earlier today. The only difference in these cases is that the concerned petitioners are Lecturers.

2. On behalf of the respondents, it is submitted that the experience criteria had to be relaxed as there were no suitable candidates available who had the requisite qualification of Ph.D. Degree and the post of Reader in Nursing (Research) had been lying vacant since the year 2014.

3. As the petitioners do not possess Ph.D. Degree, they are not eligible for appointment. Since they are not eligible for want of the requisite eligible qualification, they cannot complain against relaxation of the requisite experience criteria.

These writ petitions are dismissed. No costs. Consequently, W.M.P.Nos.3907 to 3910, 9462 to 9464, 28881, 10489, 10490, 28878 to 28880, 18894 to 18896, 3911, 3912, 10491 of 2017 are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sasi

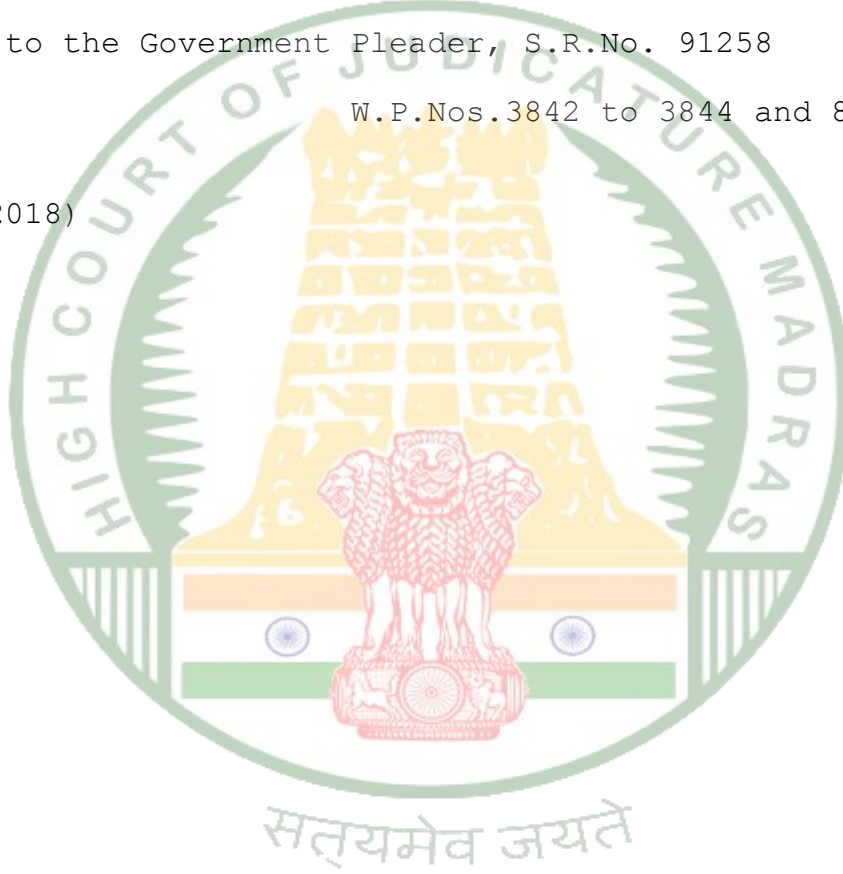
To:

- 1 The Principal secretary to Government
State of Tamil Nadu
Health and Family Welfare Department
Fort St. George, Chennai-9.
- 2 The Director of Medical Education
Poonamallee High Road, Kilpauk
Chennai-10.

+1cc to the Government Pleader, S.R.No. 91258

W.P.Nos.3842 to 3844 and 8658 of 2017

AD(CO)
TR(10/01/2018)



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