

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.6091 of 2018
W.M.P. No.31863 of 2018

1. G.Chitral
2. M.Selvi
3. P.Gowri
4. R.Padmapriya
5. P.Padmageetha
6. M.Priskilla
7. K.Baby
8. S.Amutha
9. P.Malarvizhi
10. M.Pushpam
11. R.Shanthi
12. L.Uma
13. J.Ruby Thanga Joy

...Petitioners

vs

1. The State of Tamil Nadu
Rep. by Chief Secretary to Government,
Health and Family Welfare (C1) Department,
Secretariat, Chennai - 600 009.
2. The Director of Public Health and Preventive
Medicine,
Chennai - 600 006.
3. The Medical Services Recruitment Board (MRB)
Rep. by its Member Secretary,
7th Floor, DMS Building, 359, Anna Salai,
Teynampet, Chennai - 600 006.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the second respondent to consider and pass orders on the petitioner's representation dated 04.05.2017 and absorb the petitioners as permanent Auxiliary Nurse midwife (ANM) and grant all the benefits given to the regular ANM as otherwise it will be in violation of Article 14 and 16 of the Constitution of India.

For Petitioner : Mr.N.G.R.Prasad
Senior Counsel
for Mr.V.Stalin

For Respondents : Mrs.P.Kavitha
Government Advocate

O R D E R

This Writ Petition has been filed seeking for a direction to the second respondent to consider and pass orders on the petitioner's representation dated 04.05.2017 and absorb the petitioners as permanent Auxillary Nurse Midwife (ANM) and grant all the benefits given to the regular ANM.

2. The grievance of the petitioners is that he is working as a Auxillary Nurse Midwife (ANM) on consolidated basis. His services has not been regularized. The petitioners also made representation to the second respondent on 04.05.2017, seeking to regularize their services as permanent Auxillary Nurse (ANM) and grant all the benefits given to the regular ANM.

3. A counter affidavit has been filed by the second respondent stating that since the petitioners have not applied to the regular time scale in time for the regular time scale post, when the advertisement was made, their case could not be considered. However, in future when the advertisement was made by the Medical Services Recruitment Board to recruit Auxiliary Nurse Midwives/Village Health Nurses for the regular time scale post, and if the petitioners apply for the same ,their prayer may be considered.

4. The learned counsel for the petitioner would submit that based on the averment made in the counter affidavit, this Court may dispose of the writ petition.

5. Considering the submissions made by learned counsel appearing on either side and also considering the averments made in the counter affidavit, this writ petition is disposed of with a direction to the respondents to consider the case of the petitioners when the advertisement is made for regular time scale post of Auxillary Nurse Midwives/Village Health Nurses in

future and if the petitioners applied for the said post. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The State of Tamil Nadu
Rep. by Chief Secretary to Government,
Health and Family Welfare (C1) Department,
Secretariat, Chennai - 600 009.
2. The Director of Public Health and Preventive
Medicine,
Chennai - 600 006.

+1cc to Mr.V.Stalin, Advocate, S.R.No.53451

WP.No.6091 of 2018

GSP(30/08/2018)



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