

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.09.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.4664 and 2108 of 2019
&
WMP.NOS.5281 and 2370/19

MRB Nurses Empowerment Association
Represented by its General Secretary

... Petitioner in W.P.No.4664 of 2019

1.D.C.Indira

2.Shahila Begam

... Petitioners in W.P.No.2108 of 2019

Vs.

1.The Government of Tamilnadu,
Rep. by Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai - 9.

2.The Director of Medical and Rural Health Services,
Teynampet,
Chennai - 6.

3.The Committee for Change of Uniform,
Rep. by its Chairperson,
The Director of Medical and Rural Health Services,
Teynampet,
Chennai - 6.

... Respondents in both W.Ps.

Prayer in W.P.No.4664 of 2019:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the

impugned order in G.O.(Ms).No.557, Health and Family Welfare (AA1) Department, dated 07.12.2018 passed by the 1st respondent in so far as Para 3(1) and Para 3(VI) specifying the Female and Male Nurses Approved uniform up to 10 years respectively and quashed the same and consequently direct the respondents herein to apply the uniform dress code of above 10 years prescribed in

Para 3 (II) of for all female Staff Nurses and 3(VII) for all Male Staff Nurses respectively.

Prayer in W.P.No.2108 of 2019:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in relation to G.O.Ms.No.567, Health and Family Welfare AA1 Department, dated 7.12.2018 issued by the 1st respondent and quash the same in so far as it changes uniform for female nurses served below 10 years is concerned and issue a consequential direction to respondents to give option to the petitioners to wear half sleeve Chudidhar top and white bottom as a uniform among other prescribed materials for the female nurses served 10 years above.

For Petitioners : Mr.R.Prem Narayan
in W.P.No.4664 of 2019
Mr.R.Saseetharan
in W.P.No.2108 of 2019

For Respondents: Mr.S.R.Rajagopal
AAG
Assisted by
Mr.R.S.Selvam
Government Advocate

C O M M O N O R D E R

The writ petition in W.P.No.4664 of 2019 has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order in G.O.(Ms).No.557, Health and Family Welfare (AA1) Department, dated 07.12.2018, passed by the first respondent in so far as Para 3(1) and Para 3(VI) specifying the Female and Male Nurses Approved uniform up to 10 years respectively and to quash the same and to consequently direct the respondents herein to apply the uniform dress code of above 10 years prescribed in Para 3 (II) for all female Staff Nurses and 3(VII) for all Male Staff Nurses respectively.

2.The writ petition in W.P.No.2108 of 2019 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent in relation to G.O.Ms.No.567, Health and Family Welfare AA1 Department, dated 07.12.2018 issued by the first respondent and to quash the same in so far as it changes uniform for female nurses served below 10 years is concerned and to issue a consequential direction to

respondents to give option to the petitioners to wear half sleeve Chudidhar top and white bottom as a uniform among other prescribed materials for the female nurses served 10 years above.

3. Heard the learned counsels appearing for the petitioners and the learned Additional Advocate General appearing for the respondents.

4. The case of the petitioners is that the petitioners are Association of Nurses and Nurses respectively, who were appointed by the Medical Recruitment Board, Tamil Nadu and Medical Services Recruitment Board respectively. As per the service condition there are three categories of Nurses' post in the Tamil Nadu Health Service namely, Staff Nurse, Nursing Superintendent Grade II and Nursing Superintendent Grade I. In the Tamil Nadu Health Service most of the Nurses are female. The Government issued G.O.(Ms.) No.557, Health and Family Welfare (AA1) Department, dated 07.12.2018 changing the uniforms (dress code) of Nurses.

5. According to the petitioners, in G.O.(Ms.) No.557, Health and Family Welfare (AA1) Department, dated 07.12.2018, the Staff Nurses have been classified as below 10 years and above 10 years, but as per the service Rule there is no such classification. The change of dress code was introduced for creating discrimination between Government College candidate and Medical Recruitment Board recruitees. Hence, challenging the above Government Order, these writ petitions have been filed.

6. The learned counsel appearing for the petitioners would submit that though the uniforms were changed between the senior Staff Nurses and junior Staff Nurses, junior Staff Nurses who served below 10 years dress code may be changed on par with senior Staff Nurses by changing the colour and changing the dress pattern. Differentiating the Nurses is clear discrimination.

7. The learned counsel appearing for the petitioners would submit that though the present committee changed dress code by way of impugned Government Order, however, this Court may permit the petitioners to make representation before the Committee who were to convene meeting in the next couple of years for changing the dress code and if any representation is filed, the Committee has to make appropriate orders without discriminating the Staff Nurses.

8.The learned Additional Advocate General concede the request made by the learned counsel appearing for the petitioners. He would submit that there is no discrimination inbetween the Staff Nurses. Inorder to identify senior and junior Nurses, the dress code were changed as per the international standard and if any grievous from the petitioner, the petitioners grievance would be considered appropriately in accordance with the procedure. He would further submit that the Committee would be constituted once in three years.

9.In view of the above, I am not inclined to interfere with the impugned Government Order at present. However, liberty is granted to the petitioners to make proper representation to the Committee. If any such representation is filed, the Committee has to pass appropriate orders in accordance with law and in accordance with the Scheme as and when constituted.

10.These writ petitions are accordingly disposed with above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai - 9.

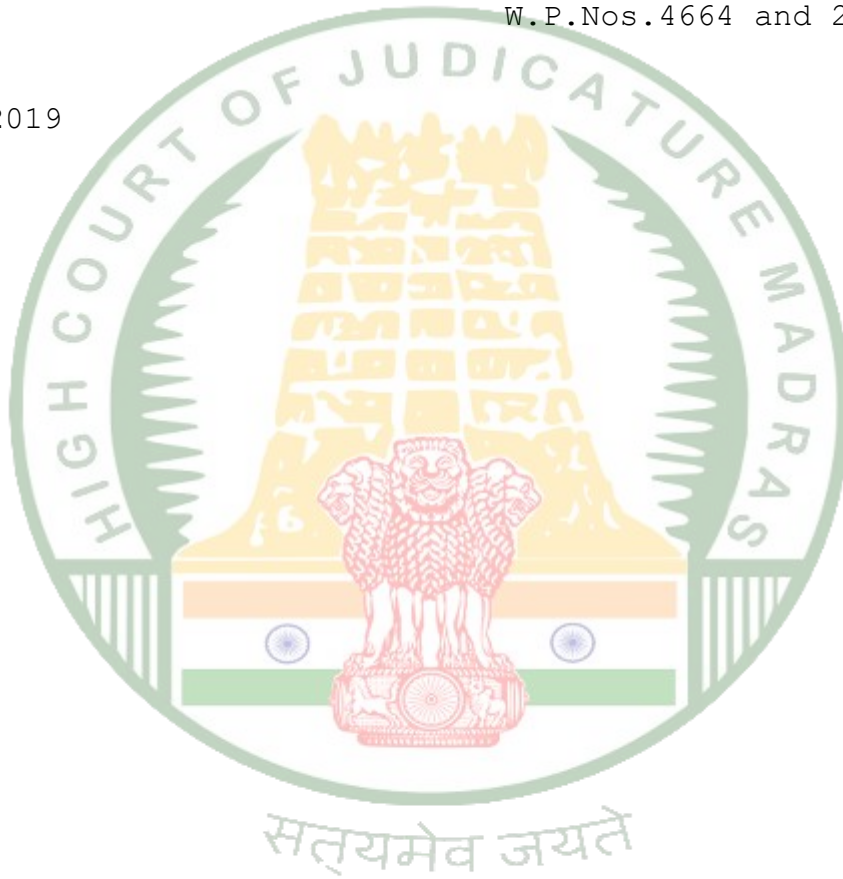
2.The Director of Medical and Rural Health Services,
Teynampet,
Chennai - 6.

3.The Committee for Change of Uniform,
Rep. by its Chairperson,
The Director of Medical and Rural Health Services,
Teynampet,
Chennai - 6.

+1cc to Mr.R.Saseetharan, Advocate sr.83124
+1cc to Mr.R.Prem Narayan, Advocate sr.83251
+1cc to Government Pleader SR.NO. 83636

W.P.Nos.4664 and 2108 of 2019

mr(co)
nr 05/11/2019



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