



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A(MD)No.970 of 2019

- 1.Sankara Narayanan
- 2.A.Malarvizhi
- 3.C.Muthumani
- 4.J.Saamim Banu
- 5.P.Gunasundari
- 6.M.K.Priyavadana
- 7.B.Bhavani
- 8.M.Krishnaveni
- 9.Y.Thangapandi

... Appellants/Writ Petitioners
No.1,3,5,6,9,12,13,16,17

Vs.

- 1.The Government of India,
represented by its
Principal Secretary,
Health and Welfare Department,
Secretariat,
Chennai.

- 2.The Director,
Medical College and Hospital,
Keelpauk,
Chennai.

- 3.The District Employment Officer,
District Employment Office,
Madurai.

- 4.The Superintendent,
E.S.I.Hospital,
Madurai.

... Respondents 1-4/Respondents 1-4

- 5.S.Uma Devi
- 6.M.Kalaiselvi
- 7.M.Maheswari
- 8.V.Varalakshmi
- 9.S.Vairamani
- 10.M.Panchavarnam
- 11.P.Valarmathi



12.N.Kasthuri
13.V.Kavitha
14.V.Ramalakshmi
15.P.Vidhyasri
16.N.Durgadevi

... Respondents 5-15/Writ Petitioners
No.2,4,7,8,10,11,14,15,18,21

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Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 04.07.2019 made in W.P(MD)No.2181 of 2014.

Prayer in WP(MD) . 2181/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 3rd respondent to conduct the certificate verification to the petitioners for the post of Nursing Assistant at E.S.I Hospital , Madurai and consequently directing the 1st and 2nd respondent to fill up the post of Nursing Assistant at E.S.I Hospital in Madurai, as per the Employment Seniority at Madurai District.

For Appellants : Mr.D.Anbarasu
For Respondents : Mr.M.Murugan
Government Advocate for R.1 to R.3

JUDGMENT

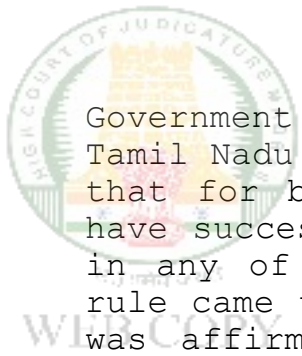
(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

Heard Mr.D.Anbarasu, learned Counsel for the appellants and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 3.

2. This appeal has been filed against the order in W.P(MD) No.2181 of 2014, dated 04.07.2019. The appellants sought for a direction upon the third respondent to conduct Certificate Verification for the post of Nursing Assistant at E.S.I. Hospital, Madurai and consequently, direct the respondents 1 and 2 to fill up the post of Nursing Assistant in the said hospital as per their employment seniority.

3. The learned Writ Court has dismissed the writ petition on the ground that the recruitment will be conducted through the Tamil Nadu Medical Recruitment Board and the name of the writ petitioners were not sponsored even in the earlier selection process in 2014.

4. After hearing the learned Counsel for the parties and perusing the materials placed before us, we find that the prayer sought for in the writ petition has been wrongly couched and be that as it may, there is a Government Order in G.O(Ms.)No.897, Health and Family Planning Department, dated 15.04.1976, by which, the



Government has notified an amendment to the Special Rules for the Tamil Nadu Medical Subordinate Service. The said Rules clearly state that for being appointed as Nursing Assistant, a candidate should have successfully completed a training course for Nursing Assistant in any of the Government Medical Institutions in the State. This rule came to be challenged and the same was upheld and the decision was affirmed by the Honourable Supreme Court and therefore, the appellants cannot claim any vested right for being appointed as Nursing Assistant Gr.I as admittedly, they have not undergone the course in Government Medical Institution. Therefore, no relief can be granted to the appellants in this appeal.

5. Accordingly, this writ appeal is dismissed with the above observations.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary,
The Government of India,
Health and Welfare Department,
Secretariat,
Chennai.
- 2.The Director,
Medical College and Hospital,
Keelpauk,
Chennai.
- 3.The District Employment Officer,
District Employment Office,
Madurai.
- 4.The Superintendent,
E.S.I.Hospital,
Madurai.

+1 CC to Mr.D.ANBARASU, Advocate (SR-89639[F] dated 26/09/2019)
+1 CC to spl.GP (SR-90250[F] dated 27/09/2019)

W.A(MD)No.970 of 2019

26.09.2019

rsb

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