



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.568 of 2013

P.V.Rajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
Health and Family Welfare Department,
St.George Fort,
Chennai - 600 009.

2.The Director of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

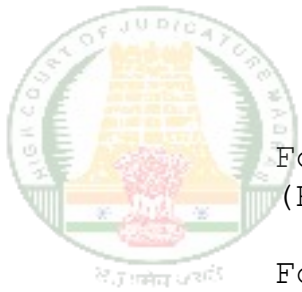
3.The Director of Medical and Rural Health Services,
Teynampet, Chennai - 600 006.

4.The Secretary,
Indian Nursing Council,
Combined Council Buildings,
Katta Road, Temple Lane,
New Delhi - 110 002.

5.The Registrar,
Tamil Nadu Nurses and Midwives Council
Jeyaprakash Narayan Maligai,
140, Santhome High Road,
Mylapore, Chennai - 600 004.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records, pertaining to the impugned communication in Ref.No.56600/N2/2010, dated 04.12.12 of the 2nd respondent and quash the same as illegal and consequently direct the respondents 1 to 3 to conduct the direct recruitment also to the post of Lecturer / Tutor in nursing, in the Government College of Nursing as well as Government School of Nursing and thereby appoint the petitioner in any of the above said post in the Government service.



For Respondents : Mr.S.Dhayalan
(R1 To R3) Govt.Advocate

For Respondent-4 : Mr.K.K.Senthilvelan

For Respondent-5 : Mr.A.R.Nixon

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O R D E R

The impugned communication, dated 04.12.2012, is the letter sent by the Director of Medical Education to the Secretary to Government, Health and Family Welfare Department, regarding the filling up of the posts of Lecturers in Nursing, in various localities. It is the temporary panel.

2. The learned Government Advocate appearing on behalf of the respondents 1 to 3 states that the petitioner is not at all working in Government Service and he is working in a Private Sector. Therefore, he has no *locus standi* to challenge the panel, which is impugned in the present Writ Petition.

3. The grievances of the petitioner is that preparation of panel and grant of promotion to the post of Lecturers / Tutors in Nursing, in Government College of Nursing will affect his chance of appointment by way of direct recruitment. Thus, direct recruitment is to be enforced for appointment to the post of Lecturers / Tutors. The petitioner states that he is fully qualified for appointment to the post of Lecturer. The grievances of the writ petitioner is that he has completed M.Sc., Nursing Course and he is fully qualified for direct recruitment to the post of Lecturers / Tutors in Nursing in Government Nursing Colleges and therefore, the method of direct recruitment is to be implemented.

4. The petitioner being an aspiring candidate to secure appointment cannot seek any direction regarding the policy decision taken by the Government to conduct recruitment for appointment to the post of Lecturers / Tutors in Nursing. Whether a post is to be filled up through direct recruitment or through promotion is a policy decision to be taken by the Authority Competent and it is a prerogative of the administration. The petitioner being a candidate is entitled to participate in the process of selection, if any recruitment notice is issued and not otherwise. Thus, the very relief sought for in the present Writ Petition is misconceived. The petitioner is no way connected with the panel for promotion and he seeks appointment through direct



5. In view of the fact that the petitioner has not established any right for considering the relief, the present writ petition stands dismissed. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
St.George Fort,
Chennai - 600 009.

2.The Director of Medical Education,
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Jeyaprakash Narayan Maligai,
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Mylapore, Chennai - 600 004.

+1 cc to Mr.C.Kishore , Advocate SR.No.22743

+1 cc to The Special Government Pleader Sr.No.22668

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SR(CO)

KM (07.12.2020) 3P 8C

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