



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3502 of 2022

P.Subathra

...Petitioner

vs.

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

2.The Director of Medical & Rural Health Services,
DMS Campus, Teynampet,
Chennai - 600 006.

3.The Dean,
Government Medical College,
Omandurar Government Estate,
Chennai 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to retrospectively regularize the service of the petitioner in the post of Nurse with effect from her initial date of appointment on 19.09.2015 with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.S.Rajesh
Government Advocate



O R D E R

This writ petition has been filed to issue Writ of Mandamus to direct the respondents to retrospectively regularize the service of the petitioner in the post of Nurse with effect from her initial date of appointment on 19.09.2015 with all consequential service and monetary benefits.

2. The case of the writ petition is that by proceedings in Ref.No.49000/N1/2/2015 dated 19.09.2015, the second respondent appointed the petitioner as Nurse on contract basis and on consolidated pay in the Tamil Nadu Medical Subordinate Service and the writ petitioner has joined the said post on 28.09.2015. Thereafter, by proceedings dated 29.05.2019, the Director of Medical and Rural Health Services, Chennai, absorbed the petitioner into regular time scale of pay by regularizing her service in the post of Nurse. Thereafter, the petitioner has been working as Regular Nurse in regular time scale of pay at Government Medical College, B Block, Omandurar Government Estate, Chennai.

3. The further case of the petitioner is that the initial appointment of the petitioner was sanctioned to the post of Nurse under the Tamil Nadu Medical Subordinate Service and the petitioner was appointed through an open competitive examination which was held by the Medical Services Recruitment Board. The petitioner was fully qualified to hold the post of Nurse on regular time scale of pay by possessing all the qualifications including medical qualifications. The Hon'ble Division Bench of this Court in W.A.Nos.3608, etc., of 2019 dated 23.01.2020, upheld the petitioner's appointment and held that there is no illegality or irregularity in the initial appointment. The writ petitioner made a request to regularize her service as Nurse with effect from the date of initial appointment. Till date, no order has been passed. Pursuant to the order of the Division Bench of this Court, a Committee has been appointed and the issue is pending before the said Committee. The 2nd respondent is the authority to consider the said request made by the petitioner.

4. The learned Government Advocate takes notice for the respondents 1 to 3 and he submitted that the said request of the petitioner would be considered by the respondents in accordance with the rules.

5. Considering the limited scope of prayer as sought for by the petitioner and without expressing any opinion on merits of the case, this Court directs the 2nd respondent to consider the representation of the petitioner on its own merits and in



accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal Secretary to Government
Health & Family Welfare Department,
Fort St.George,
Chennai - 600 009,

2.The Director,
Medical & Rural Health Services,
DMS Campus,
Teynampet,
Chennai - 600 006.

3.The Dean,
Government Medical College,
Omandurar Government Estate,
Chennai 600 002.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.11859

+1cc to the Government Pleader, S.R.No.12345

W.P.No.3502 of 2022

PL(CO)
RN(31/03/2022)