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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.3462 OF 2017

AND

W.M.P.NOS.3440 AND 36474 OF 2017

- 1.S.Nagarajan
- 2.E.Ravichandran
- 3.V.Rajeswari
- 4.P.Mahalakshmi
- 5.M.Senthil Kumar
- 6.A.Senthil Kumar
- 7.C.Perinbaraj
- 8.V.Jayakanth
- 9.P.Subha
- 10.A.Ganapathy
- 11.N.Elangovan
- 12.M.Bhuvaneswari
- 13.A.Arivinda Babu
- 14.G.Sivagurunathan
- 15.M.Krishnaraja
- 16.T.Dharmarajan
- 17.M.Muthamilselvan
- 18.M.Dharmalingam
- 19.S.Asokan
- 20.Selvi B.Julie Mercy
- 21.K.Lakshmi
- 22.A.Thiagarajan
- 23.V.Kathikedyan
- 24.B.Prabakar
- 25.K.Jayaraman
- 26.J.Meneksha
- 27.K.Rajakumar
- 28.M.Mariappan

... Petitioners

-vs-

1. The Secretary to Government
Health and Family Welfare Department
Secretariat, Chennai - 600 012.



2. The Secretary to Government
Finance Department
Secretariat, Chennai - 600 012.
3. The Secretary to Government
Personnel and Administrative
Reforms Department
Secretariat, Chennai - 600 012.
4. The Director of Family Welfare
D.M.S. Complex
Teynampet, Chennai - 600006.
5. The Director Public Health and
Preventive Medicine
D.M.S. Complex
Teynampet, Chennai - 600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the Respondents herein to make necessary amendments in the adhoc rules for the "District Extension Educator" by making "Block Health Statistician" as the Feeder post as the then existing feeder post "Block Extension Educator" was abolished vide G.O. Ms. No. 154 of Health and Family Welfare Department dated 11.03.2004 and the rules for the post of "Statistical Assistant" is amended by making "Block Health Statistician" as the feeder post in accordance with the G.O. Ms. No. 154 of Health and Family Welfare Department dated 11.03.2004.

For Petitioners	:	Mr.G.Purushothaman
For Respondents	:	Mr.M.Bindran Additional Government Pleader

O R D E R

Heard Mr.G.Purushothaman, Learned Counsel for the Petitioner, Mr.M.Bindran, Learned Additional Government Pleader appearing for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents herein to make necessary amendments in the adhoc rules for the District Extension Educator by making Block Health Statistician" as the feeder post as the then existing feeder post Block Extension Educator was abolished by G.O. Ms.



No. 154, Health and Family Welfare Department dated 11.03.2004 and the rules for the post of Statistical Assistant is amended by making Block Health Statistician as the feeder post in accordance with the G.O. Ms. No. 154, Health and Family Welfare Department dated 11.03.2004.

3. In response to the said claim, the First Respondent has filed Counter-Affidavit dated 09.12.2019 in which it has been stated as follows:-

"4.that the post of Block Health Statistician has now been filled up through Tamil Nadu Public Service Commission during 2017 & 2018. Out of 412 number of vacant posts of Block Health Statistician, 257 posts have been filled up. Further to provide promotion opportunities to the Block Health Statistician who have so long been working in the same post, proposals were sent to Government to amend the Adhoc rule governing the post of District Extension Educator. Accordingly necessary amendments have been issued to the adhoc rules for the temporary post of District Extension Educator in the Family Welfare Programme by the Government in G.O. (Ms) No. 597, dated 31.12.2018 prescribing the post of Block Health Statistician, who have completed 15 years of service as a feeder category to the post of District Extension Educator, by promotion.

5.it is further submitted that the relevant Adhoc rules for the post of District Extension Educator has been amended vide G.O. Ms. No. 596, Health and Family Welfare (R1) Department, dated 31.12.2018 to the effect that the post of Block Health Statistician shall be made as feeder category for both the post of Statistical Assistant in Tamil Nadu Public Health Subordinate Service and for the post of District Extension Educator in Tamil Nadu Medical Subordinate Service. It is further submitted that the Petitioners have been promoted either as District Extension Educator or Statistical Assistant according to their qualification and experience. Some of the Petitioners have also retired from service on attaining the age of superannuation. The Block Health Statisticians whose seniority have not been reached are still continuing as Block Health Statistician and they will be promoted as District Extension Educator or Statistical Assistant when they reach their turn according to their eligibility and seniority.



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6.that the request of the Petitioners for providing promotion avenues to the Block Health Statistician and to reduce the burden of work due to large number of vacancies of the post of Block Health Statistician have been addressed by prescribing Block Health Statistician, as a feeder category to the post of District Extension Educator after making necessary amendments to the relevant Adhoc rules and also by filing the vacant post of Block Health Statistician through Tamil Nadu Public Service Commission. As such, this writ petition is liable to be dismissed since the prayer of Petitioner has been complied with."

The copies of the relevant Government Orders in support thereof has also been placed on record.

4. Having regard to the aforesaid subsequent events after the filing of the Writ Petition, nothing remains for further consideration in this Writ Petition, but if the Petitioners still has any grievance to be redressed in the matter, they are not precluded from working out their rights before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary to Government
Health and Family Welfare Department
Secretariat, Chennai - 600 012.
2. The Secretary to Government
Finance Department
Secretariat, Chennai - 600 012.
3. The Secretary to Government
Personnel and Administrative
Reforms Department
Secretariat, Chennai - 600 012.



4. The Director of Family Welfare
D.M.S. Complex
Teynampet, Chennai - 600006.

5. The Director Public Health and
Preventive Medicine
D.M.S. Complex
Teynampet, Chennai - 600006.

+1cc to Mr.G.Purushothaman, Advocate, S.R.No.16065

+1cc to the Government Pleader, S.R.No.16272

W.P.No.3462 of 2017

PL(CO)
RLP(13/04/2022)