



WEB COPY

W.P.(MD)No.1103 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:08.03.2022
CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.1103 of 2022

and

W.M.P(MD)Nos.911 & 3297 of 2022

1.P.Muthu

2.M.Lakshmi Priya

3.P.Veerachinnammal

4.M.Jothi Prabha

5.Padma Priya

... Petitioners

Vs.

1.State of Tamil Nadu

Represented by its Principal Secretary
Department of Health and Family Welfare
Fort St. George
Chennai - 9.

2.The Director of Public Health and Preventive Medicine,
O/o.the Director of Public Health and Preventive Medicine
Chennai 6

3.Tamil Nadu Nurses and Midwives Council
Represented by its Registrar,
Jayaprakash Narayanan Maligai
Old No.140, New No.56
Santhome High Road (Near Santhome Church)
Mylapore, Chennai 600 004.

4.The Medical Services Recruitment Board
Represented by its Member Secretary
7th Floor, DMS Building, 359
Anna Salai, Teynampet
Chennai 600 006

5.The Principal
ANM Training School
Poovanthi
Sivagangai District.



6.The Principal
ANM Training School
Tirunelveli

7.The Principal
ANM Training School
Samayanallur
Madurai District.

8.The Principal
ANM Training School
Veerapandi
Theni District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare the proposed counselling for the exclusive allotment to the post of Village Health Nurse/Auxillary Nurse Midwives to the candidates, who have completed Auxillary Nurse Midwife course during the year 2019-2021 at the 5th to 8th respondent Institution as illegal and consequently for a direction, directing the respondent No.1 to 3 to conduct direct recruitment to the post of Village Health Nurse/Auxillary Nurse Midwives to the candidates by inviting eligible candidates who have completed Auxillary Nurse Midwives Course in any of the Institution recognized by the 3rd respondent Tamil Nadu Nurses and Midwives Council in accordance with the Government order in G.O.Ms.No.1 Health and Family Welfare (C2) Department dated 02.01.2012 and select and appoint the petitioners in the post of Village Health Nurse/Auxillary Nurse Midwives on the basis of their employment seniority within the time period stipulated by this Court.

For Petitioner : Mr.T.Ashwin Rajasimman

For Respondents 1 to 3 : Mr.D.S.Nedunchezhiyan
Government Advocate

For R4 : T.S.Mohammed Mohideen

ORDER

The relief sought for in the present writ petition is to declare the proposed counselling for the exclusive allotment to the post of Village Health Nurse/Auxillary Nurse Midwives to the candidates, who have completed Auxillary Nurse Midwife course during the year 2019-2021 at the 5th to 8th respondent Institution as illegal and consequently for a direction, directing the respondent Nos.1 to 3 to conduct direct recruitment to the post of Village



Health Nurse/Auxillary Nurse Midwives to the candidates by inviting eligible candidates, who have completed Auxillary Nurse Midwives Course in any of the Institution recognized by the 3rd respondent Tamil Nadu Nurses and Midwives Council in accordance with the Government order in G.O.Ms.No.1 Health and Family Welfare (C2) Department dated 02.01.2012 and select and appoint the petitioners in the post of Village Health Nurse/Auxillary Nurse Midwives on the basis of their employment seniority within the time period stipulated by this Court.

2. The petitioners state that they are fully qualified for appointment to the post of Village Health Nurse and waiting for an opportunity of appointment.

3. The learned counsel for the petitioners states that the recruitments are to be made through Tamil Nadu Medical Services Recruitment Board and now the respondents are proposing to conduct a counselling and with that apprehension, the petitioners have moved the present writ petition.

4. This Court is of the considered opinion that there is no definite cause of action for entertaining a writ petition, in view of the fact that no recruitment notification has been issued so far. Though the petitioners state that the respondents have proposed to conduct counselling, there is no such orders or otherwise to establish the same. Thus, the petitioners have not established the cause of action for the purpose of providing the relief. However, the learned counsel for the petitioners relied Paragraph No.11 of the counter affidavit filed by the Director of Public Health Services and Preventive Medicine Department and states that the respondents are proposing to act in violation of the recruitment rules in force.

5. In this regard, the learned Government Advocate made a submission that recruitment will be done in accordance with the Rules and by following the procedure.

6. This Court is of the considered opinion that the post of Village Hospital Nurse/Auxillary Nurse Midwives are to be filled up by strictly following the recruitment rules and by providing an opportunity to all the eligible members, who are all aspiring employment. In the event of any violation of Rules by any authority, no doubt, the appointing authority will be accountable, as such violation will result in denial of opportunity to the eligible candidates, who are longing to secure public employment. This being the factum, the respondents are directed to ensure that all appointments to the post of Village Health Nurse/Auxillary Nurse Midwives are done strictly in accordance with the recruitment rules and by following the procedure as contemplated.



7. With these clarifications, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary
Department of Health and Family Welfare
Fort St. George
Chennai - 9.
- 2.The Director of Public Health and Preventive Medicine,
O/o.the Director of Public Health and Preventive Medicine
Chennai 6
- 3.The Registrar,
Tamil Nadu Nurses and Midwives Council
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Mylapore, Chennai 600 004.
- 4.The Member Secretary
Medical Services Recruitment Board
7th Floor, DMS Building, 359
Anna Salai, Teynampet
Chennai 600 006

+1 cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No.10764

+1 cc to Mr.T.S.MOHAMED MOHIDHEEN, Advocate, SR.No.10786

+1CC to Special Government Pleader SR.No.10973

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SA(18.03.2022) 4P 8C