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W.P.No.34103 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34103 of 2012

M.P.Nos. 1, 2 of 2012 and 1 of 2013

S.Seetha

... Petitioner

-Vs-

1. The Selection Committee/
Director of Medical Education,
Kilpauk, Chennai 600 010.
2. The Director of Public Health and Preventive Medicine,
Annasalai, Chennai – 600 006.
3. The Deputy Director of Health Services,
Kallakurichi, Villupuram District.
4. The Medical Officer,
Primary Health Centre,
Thotiyam, Chinna Salem,
Villupuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, to direct the respondents to regularize the petitioner's services for the post of Female Nursing Assistant from the date of the Petitioner first appointment.



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For Petitioner : M/s.S.Ilamvaludhi

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

This Writ Petition has been filed for directing the respondents to regularize her service for the post of Female Nursing Assistant from the date of the petitioner first appointment.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The petitioner had completed her clinical Nursing Assistant course from 15.04.2002 to 14.04.2003. Thereafter, she was appointed as Female Nursing Assistant by private agencies and she had served in the Chinna Salem Primary Health Centre and she was paid monthly salary of Rs.990/-. Later, from 18.11.2011 onwards, she was serving in the Thotiyam Primary Health Centre as Female Nursing Assistant in a consolidated salary. However, she was not regularized and as such, she



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had submitted representation to regularize her service.

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4. A perusal of the counter filed by the first and second respondents herein revealed that the petitioner was appointed on consolidated salary by outsourcing working at Government Primary Health Centre, Chinna Salem. She had applied for admission to Nursing Assistant Course as a Service candidate. The candidates working under the regular time scale can only be considered as a service candidates. Therefore, the petitioner cannot be considered as service candidate. Further, she had secured 199 marks out of 500 in her S.S.L.C.Examination, thereby, her cut off mark is only 39.8 out of 100. She belongs to SC Arunthathiyar Community and the cut off mark of the last candidate admitted to Nursing Assistant Course as private candidate is 64.80 marks, which is higher than the marks secured by the petitioner.

5. Therefore the regularization of the petitioner's service does not come under the purview of the selection Committee. Therefore, the claim of the petitioner cannot be considered and this writ petition is devoid of merits and is liable to be dismissed.



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6. Accordingly, this Writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

08.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn/nsl



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To

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G.K.ILANTHIRAIYAN, J.

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