



WEB COPY



WP.No.19909 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.19909 of 2020

and

WMP.Nos.24578 & 24580 of 2020

1.G.Aruna Devi

2.A.Sasikala

...

Petitioners

Vs.

1.The Government of Tamil Nadu
rep. by the Secretary to the Government,
Health and Family Welfare Department,
Fort. St. George, Chennai 600 009.

2. The Director of Medical Education,
Kilpauk, Chennai-600 010. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider inclusion of B.Sc. (Bio Chemistry) as one of the eligible qualifications for recruitment by transfer to the post of Bio Chemist by suitably amending the qualifications prescribed for the said post and include the petitioners name in the proposed panel for the post of Bio Chemist for the year 2020-21 and grant all consequential benefits.

For Petitioner : Mr.P.Manojkumar

For Respondents : Mr.G.Nanmaran, Special Government Pleader



WEB COPY

WP.No.19909 of 2020



ORDER

The petitioner has filed this Writ Petition seeking a direction to consider including B.Sc. (Bio Chemistry) as one of the eligible qualifications for recruitment by transfer to the post of Bio Chemist by suitably amending the qualifications prescribed for the said post, as well as including the petitioner's name in the proposed panel for the post of Bio Chemist for the year 2020-21 and granting all consequential benefits.

2. Heard the submissions made by both side learned counsels and perused the materials available on record.

3. The petitioners claim to be possessing B.Sc (Bio-Chemistry) Degree examination and are employed as Non-Medical assistants to Professors of Biochemistry at the Government Royapettah Hospital and Madras Medical College in Chennai, respectively. The next level of promotion for the position of Non-Medical Assistant to the Professor of Biochemistry is Bio Chemist, which is governed by the Tamil Nadu Medical Service Special Rules. According to Rule



3, one of the requirements required for the position of Bio Chemist is a B.Sc. (Chemistry) degree with at least five years of experience in a clinical Bio-Chemistry Laboratory affiliated to a recognized teaching medical institution. Both the petitioners have the required experience; however, they possess a B.Sc (Bio Chemistry) degree, whereas the qualification prescribed is a B.Sc (chemistry).

3.1. The petitioners claim that when the aforementioned rule was drafted, there was no course available for B.Sc (Bio-chemistry), which was only introduced in 1990. M.Sc (bio-Chemistry) was present when the rule was formed. This is why M.Sc (Bio chemistry) or B.Sc (chemical) with 5 years of experience is recommended. As a result, the regulation should have been revised, but it has not yet been done. When the position is for a Bio-Chemist, not considering B.Sc (Bio chemistry) as a suitable qualification is arbitrary.

3.2. In fact, rules for other positions such as Laboratory Supervisor, Non-Medical Assistant to Professor of Bio Chemistry, and B.Sc (Bio- Chemistry) degree holders who are eligible for consideration for appointment to the said jobs have been revised. This has not been done for the position of Bio Chemist. On



12.11.2020, the second respondent herein issued a communication in Ref. No.62151/E2/1/2020 dated 12.11.2020 proposing to draw a panel for the post of Bio Chemist for the year 2020-2021 and requesting to furnish the particulars in respect of the qualified candidates for the preparation of the panel for the post of Bio chemist and the said rule prescribes B.Sc (chemistry) the required qualification.

3.3. Immediately following the said order, the petitioners submitted representations to the respondents through proper channel on 24.11.2020 and 27.11.2020 respectively, requesting the respondents to amend and accept B.Sc. (Bio-Chemistry) as a valid qualification for the post of Bio Chemist and include their names in the proposed panel for the post of Bio Chemist. The petitioner's complaint is that, despite possessing the required qualifications, the respondents did not take any steps to amend and accept B.Sc (Bio-Chemistry) as a valid qualification for the post of Bio Chemist and include their names in the proposed panel for the post of Bio Chemist. Hence the petition.

4.The learned counsel appearing for the petitioners submitted that it would be sufficient if a direction is issued to the respondents to consider the petitioners



WP.No.19909 of 2020

representations dated 24.11.2020 and 27.11.2020 respectively and pass appropriate orders.

5.Considering the limited request made by the learned counsel appearing for the petitioners, I am inclined to issue direction to the respondents to consider the petitioners representation 24.11.2020 and 27.11.2020 respectively on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

In the result, the writ petitions are **disposed**. No costs. Consequently, connected miscellaneous petitions are closed.

31.10.2023

Index : Yes
Internet : Yes/No
jrs



WEB COPY



WP.No.19909 of 2020

R.N.MANJULA, J.

jrs

- To
- 1.The Government of Tamil Nadu
rep. by the Secretary to the Government,
Health and Family Welfare Department,
Fort. St. George, Chennai 600 009.
 2. The Director of Medical Education,
Kilpauk, Chennai-600 010.

W.P No.19909 of 2020
and
WMP.Nos.24578 & 24580 of 2020

31.10.2023