



W.P(MD)Nos.8648, 8654, 8661, 8664 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.8648, 8654, 8661, 8664 of 2020

and

W.M.P(MD)Nos.7995 and 7999 of 2020

and

W.M.P(MD)Nos.8000 and 8003 of 2020

and

W.M.P(MD)Nos.8004 and 8005 of 2020

and

W.M.P(MD)Nos.8007 and 8008 of 2020

W.P(MD)No.8648 of 2020:

Z.Asaraf Ali	... Petitioner in W.P(MD)No.8648 of 2020
A.Avinash	... Petitioner in W.P(MD)No.8654 of 2020
S.Bala Sasi Kumar	... Petitioner in W.P(MD)No.8661 of 2020
J.Sakthi Kumar	... Petitioner in W.P(MD)No.8664 of 2020

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai – 9.
- 2.The Director of Medical and Rural Health Services,
O/o.the Director of Medical and Rural Health Services,
Chennai – 6.
- 3.The Joint Director,
Medical and Rural Health Services and Family Welfare,
O/o, the Medical and Rural Health Services and Family Welfare,



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Ramanathapuram – 623 501.

4.The Secretary to Government,
Ministry of Health and Family Welfare,
Union of India, New Delhi.

... Respondents in all W.Ps

(R-4 is suo motu impleaded vide Court order
dated 26.08.2020 in W.P(MD)No.8648 of 2020 by

RSKJ)

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent vide his proceedings Ref. No.17735/P&D III/2/18 dated 16.07.2020 and quash the same as illegal insofar the petitioners are concerned and consequently to direct the respondents to regularize the service from the date of initial appointment of the petitioners within the period that may be stipulated by this Court.

(In all W.Ps)

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
M/s.Ajmal Associates

For Respondents : Mr.R.Baskaran,
Additional Advocate General,
Assisted by,
Mrs.K.Christy Theboral,
Additional Government Pleader



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COMMON ORDER

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Since the issue arises in these writ petitions is one and the same, the writ petitions are disposed of by way of this common order.

2. These writ petitions have been filed to quash the impugned order passed by the second respondent vide his proceedings in Ref. No.17735/P&D III/2/18, dated 16.07.2020, as illegal insofar the petitioners are concerned and consequently, to direct the respondents to regularize the service from the date of initial appointment of the petitioners within the period that may be stipulated by this Court.

3. The case of the petitioners is that they were appointed on consolidated pay in various posts in Health and Family Welfare Department as per their qualifications in terms of National Health Mission. While so, the respondents issued G.O.Ms.No.565 Health and Family Welfare Department, dated 23.12.2020, and decided to recruit through outsourcing by terminating the petitioners' employment. Challenging the same, the present writ petitions have been filed.



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3. The learned Senior Counsel appearing for the petitioners, would submit that though the respondents are entitled to recruit persons after following the recruitment process, however, in the present case, the petitioners are Health Workers and they cannot be recruited through outsourcing. However, during the pendency of these writ petitions, the State Government passed G.O(Ms).No.40 Health and Family Welfare (EAPI-2) Department, dated 02.202.2023, amending the earlier Government Order in G.O(Ms)No.565, dated 23.12.2020, as per which, the word 'outsourcing' is deleted. Pursuant to the said amendment, the petitioners are continuing as Contractual Employees and the same may be continued till the fresh recruitment is made.

4. The learned Additional Advocate General appearing for the respondents, on instructions, would submit that during the pendency of these writ petitions, the petitioners' contractual employment was extended on 01.06.2022 for another period of one year by way of fresh contract. Therefore, this Court may grant liberty to the respondents to go for recruitment process in the manner known to law.



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5. In view of the subsequent development, the prayer sought for in the writ petitions, has become infructuous and no further adjudication is necessary. Hence, all the writ petitions are closed. The respondents are at liberty to go for recruitment process in the manner known to law. No Costs. Consequently, connected Miscellaneous Petitions are closed.

09.02.2023

NCC:Yes/No
Index: Yes/No

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To:

1. The Principal Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Chennai – 9.
2. The Director of Medical and Rural Health Services,
O/o.the Director of Medical and Rural Health Services,
Chennai – 6.
3. The Joint Director,
Medical and Rural Health Services and Family Welfare,
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M.DHANDAPANI, J.

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