



W.P(MD)No.13412 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13412 of 2023

and

W.M.P(MD)Nos.11321 & 11323 of 2023

Sowmya Narayani

... Petitioner

Vs

1.The Director,
Office of Medical and Rural Health Services,
Chennai.

2.The Chairman,
Medical Services Recruitment Board (MRB),
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned notification issued by the first respondent in his proceedings in Ref.No. 76257/N2/1/2022 dated 12.05.2023 and quash the same as illegal and consequently to direct the second respondent to fill up the post of Maternal and Child Health officer (MCHO) by issuing notifications in accordance with G.O(Ms)No. 401 of Health and Family Welfare(C2) Department dated 16.12.2014.



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For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader for R.1

Mr.T.S.Mohammed Mohideen
Standing Counsel for R.2

ORDER

Heard the learned counsel on either side.

2. The matter involves appointment to the post of Maternal and Child Health Officer. By the impugned communication, willingness has been called for from in-service candidates. Challenging the same, the petitioner herein filed this writ petition.

3. According to the petitioner, the post must be filled only through the second respondent Board and the Department cannot make appointment from among the in-service candidates.

4. When the matter was taken up for hearing, the learned Additional Government Pleader produce a copy of G.O(Ms)No.861 Health and Family Welfare Department dated 24.11.1994. Rule 3 reads as follows:



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“3. Appointment – Appointment to the post shall be made as follows:-

(i) by recruitment by transfer from among the holders of the post of Sector Health Nurse and Community Health Nurse in the Tamil Nadu Public Health Subordinate Service; or

(ii) by recruitment by transfer from among the holders of the post of Head Nurse in the Tamil Nadu Medical Subordinate Service, if no suitable candidates are available by the above method; or

(iii) by recruitment by transfer from among the holders of Nurse in the Tamil Nadu Medical Subordinate Service, if no suitable candidates are available by the above methods; or

(iv) by direct recruitment, if no suitable candidates are available by the above three methods.”

It is seen from the above that only if suitable candidates are not available by resorting to the methods (i) to (iii), then alone direct recruitment can be made. The impugned communication is in consonance with the aforesaid Rule. No case for interference is warranted.



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5.This writ petition is dismissed. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

27.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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