



WP No.23470 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 21.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.23470 of 2010
and MP No.1 and 2 of 2010

1. A.Nirmala Devi
2. R.Jaya
3. R.Balasubramanian
4. A.Angavai

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. By Secretary for Health and Family Welfare,
Fort St. George,
Chennai 600 009.
2. The Director,
Directorate of Public Health and Preventive Medicine,
Teynampet, Chennai.
3. The Director
Directorate of Medical Education,
Kilpauk, Chennai
4. The Director,



WP No.23470 of 2010

Directorate of Medical Service,
Teynampet, Chennai.

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5. The Secretary,
Tamil Nadu Public Service Commission,
Chennai
6. C.Pandian
7. A.R.Mullaicharam
8. Daisy Chellakumari
9. R.Devei Damayanathi
10. S.Umadevi
11. S.Jayaprakash
12. N.Deattu
13. P.Sampath Kumar
14. D.Uma Maheshwari
15. R.Vadivu
16. P.Muthusamy
17. R.Vijayabharathi
18. U.Subhashini
19. A.Senthuramani



WP No.23470 of 2010

20. Shri Vijaya Kribha

21. M.Sathish

22. P.Paneerselvam

23. R.Priyadharshini

24. N.Anbalagan

25. P.G.Sunitha

26. T.Saraswathy

27. G.Tamailarasi

28. K.G.Lalitha

29. C.Vinodhini

30. R.Indumathi

31. P.Selvakumar

32. T.Peter

33. P.Amutha

... Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in order No.6721/E2/1/2005 dated 29.08.2007 on the file of the 3rd respondent and quash the same and direct the respondents 1 to 5 to draw up a panel



WP No.23470 of 2010

from the persons working as Pharmacist with B.Pharm degree under Tamil Nadu Medical Subordinate Service Rules and select and appoint them to the post of Tutor (in pharmacy) and grant such other relief.

For Petitioner	: Mr.G.Rajan
For Respondents	: Mr.K.Tippu Sulthan
	Government Advocate
	for R1 to R4
	Mr.R.Bharanidharan for R5
	Mr.A.Thiyagarajan
	for R12 and R19
	Mr.V.Chinnasamy for
	R7,11,13,15,16,17,23 to 25,
	28 and 29
	No appearance for
	R6, 8,9,10,14,16,18,20,21,22,226,27,
	30, 31, 32 and 33

ORDER

This writ petition has been filed challenging the order of the 3rd respondent dated 29.08.2007 and for a consequential direction to draw up a panel from the persons working as Pharmacist with B.Pharm degree under Tamil Nadu Medical Subordinate Service Rules and select and appoint them to the post of Tutor (in pharmacy).

2. When the matter was listed on 15.11.2024, there was no



WP No.23470 of 2010

representation on the side of the petitioners and hence, the matter was directed to be listed today under the caption for dismissal. Even today, there is no representation on the side of the petitioners.

3. Be that as it may. The petitioners had come up with this writ petition as they are all working as Pharmacist in the Government Primary Health Centers for which only a Diploma in Pharmacist is sufficient whereas the petitioners have completed the Bachelor degree in B-pharm and the future avenue of promotion is through recruitment by transfer to the post of Tutor (in Pharmacy). When the mode of recruitment to the post of Tutor was through transfer, the respondents came up with the notification calling for Direct recruitment to the post of Tutor.

4. The learned Government Advocate relying upon the Counter affidavit submitted that pursuant to the directions issued by All India Council for Technical Education / Pharmacy Council of India which are the technical bodies in Pharmacy Education, the nomenclature of the teaching posts for pharmacy to be changed and also the educational qualification to



WP No.23470 of 2010

be enhanced for the said post. In compliance with the directions, the Government of Tamil Nadu vide GO Ms.No.274, Health and Family Welfare Department dated 07.09.2015 whereby the existing nomenclature for the posts in Pharmacy Colleges (viz., Reader in Pharmacy, Assistant Reader in Pharmacy and Tutor in Pharmacy) changed as Professor, Associate Professor and Assistant Professor and also the Special Rules for Tamil Nadu Medical Services has been amended prescribing the qualifications.

5. As per the amended Rule, the method of appointment and the Educational qualification for the post of Assistant Professor in Pharmacy is both by Direct recruitment and also by transfer and the minimum Educational qualification that is required both for direct recruitment and transfer, is M-Pharm Degree. Further, the similarly placed persons filed writ petitions before the Hon'ble Madurai Bench of Madras High Court in WP Nos.9683 of 2008 and WP No.14058 of 2009. The said writ petitions were disposed of by this Court by an order dated 15.12.2014 wherein the respondents were directed to prepare the panel to fill up the existing 28 vacancies for the post of Tutor in Pharmacy, among the serving pharmacist,



WP No.23470 of 2010

who are possessing M.Pharm qualification subject to State Wide Seniority and forward the same to the 1st respondent to be considered for promotion to the post of Tutor in Pharmacy and insofar as the persons who are not having the M-Pharm qualification, their names may be considered for promotion to the post of Tutors as and when they acquire M-Pharm qualification.

6. The learned Government Advocate on instructions submitted that in view of the amended Rule prescribing qualification and also the subsequent directions issued by the Honble Madurai bench of Madras High Court, the 4th petitioner herein had possessed the M.Pharm Qualification and as such, his name was included in the panel and considered for promotion to the post of Tutor as early as in the year 2014. Insofar as petitioners 1 to 3 are concerned, still they have not qualified themselves by acquiring M.Pharm Degree and thereby, their names were not considered for promotion. The learned Government Advocate further submitted that as and when the petitioners 1 to 3 acquire the qualification, their names will also be considered for promotion as per the directions issued by this Court.



WP No.23470 of 2010

7. Recording the submissions of the learned Government Advocate, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

21.11.2024

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

1. The State of Tamil Nadu,
Rep. By Secretary for Health and Family Welfare,

8/10



WP No.23470 of 2010

Fort St. George,
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Tamil Nadu Public Service Commission,
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G.ARUL MURUGAN.,J

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WP No.23470 of 2010

WP No.23470 of 2010

21.11.2024