



WEB COPY



WP NO. 31647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2024

CORAM

THE HONOURABLE MRS JUSTICE V.BHAVANI SUBBAROYAN

WP NO. 31647 of 2024

and W.M.P.Nos.34403, 34404 and 34406 of 2024

- 1.Remisha TP
- 2.Sandiya K
- 3.Ligin U
- 4.Simi K
- 5.Sruthi K
- 6.Priyenka P
- 7.Dhanusha M
- 8.Subida VV
9. V.Sulabha

Petitioner(s)

Vs

1. Union Of India,
Rep. By The Secretary To Government,
Department Of Health And Family Welfare Services,
Government Of Union Territory Of Puducherry,
Puducherry.

2. The Director
Department Of Health And Family Welfare Services,
Government Of Union Territory Of Puducherry,
Puducherry.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue

a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 27.09.2023 in Reference No.12020/1/2023/E1/DHFWS and quash the same and further direct the 1st and 2nd respondents to appoint the petitioners 1 to 9 to the



WP NO. 31647 of 2024

post of Nursing officers.

WEB COPY

For Petitioner(s):

Mr.N.Nikhilesh

For Respondent(s):

Mr.R.Sreedhar

Additional Government Pleader (Pondy)

ORDER

This writ petition has been filed to call for the records of the 2nd respondent dated 27.09.2023 in Reference No.12020/1/2023/E1/DHFWS and quash the same and further direct the 1st and 2nd respondents to appoint the petitioners 1 to 9 to the post of Nursing officers.

2. The case of the petitioners is that the petitioners were appointed as staff nurses on contractual basis under the National Health Mission (NHM) during the COVID -19 pandemic in Puducherry to address the shortage of nurses. Despite their eligibility for higher salaries, they were paid Rs.15,000/- per month and continued to work under these conditions. They provided services in COVID care sections and quarantine centers and also obtained certificates of appreciation for their services. However, the 1st respondent issued notification on 27.09.2023 for 105 permanent nursing officer posts, the petitioners, despite meeting the eligibility criteria and having serviced during the pandemic, were not considered. According to the petitioners, non selection of petitioners in the above notification is contrary to the



WP NO. 31647 of 2024

Government notification dated 03.05.2021, which mandated permanent job opportunities for nursing officers employed for at least 100 days during the COVID period. Challenging the said notification, the present writ petition has been filed by the petitioners.

3. The learned counsel for the petitioners submitted that as per the notification dated 03.05.2021 issued by the Ministry of Health and Welfare Department, the persons who had worked for more than 100 days should be given preference in permanent job vacancies. Since, the petitioners herein have worked more than 100 days in the post of nursing offices, the 2nd respondent should have been considered the names of the petitioners. Hence, the impugned notification dated 27.09.2023 issued by the 2nd respondent is unsustainable in law and liable to be set aside.

4. During the course of arguments, the learned counsel for the petitioners has placed a judgment of this court made in W.P.No. 5583 of 2024, dated 13.03.2024, wherein the Hon'ble Division Bench of this Court has considered the request made by the similarly placed nursing officers and directed the authorities concerned to consider the petitioners therein. According to the learned counsel for the petitioners, the petitioners herein also eligible for consideration as per the above judgment of the Hon'ble Division Bench of this Court.

5. On the other hand, the learned Additional Government Pleader (Pondy) appearing for the respondents has strongly opposed the submissions made by the



WP NO. 31647 of 2024

learned counsel for the petitioners and submitted if any representation received from the petitioners, the authorities concerned will consider the request of the petitioners in accordance with the law.

6. Considering the submissions made by the learned counsels appearing for the parties concerned and without going into the merits of the case, this Court directs the petitioners to submit their representations to the 2nd respondent within a period of two(2) weeks from the date of receipt of a copy of this Order. Upon receipt of such representations, the 2nd respondent shall consider the same and pass appropriate orders on merits and in accordance with the law, within period of eight(8) weeks thereafter.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.12.2024

msv

Index:Yes/No

Internet:Yes/No

Speaking order:Non-speaking order



WP NO. 31647 of 2024

WEB COPY

To

1. The Secretary To Government,
Union Of India,
Department Of Health And Family Welfare Services,
Government Of Union Territory Of Puducherry,
Puducherry.

2. The Director
Department Of Health And Family Welfare Services,
Government Of Union Territory Of Puducherry,
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WEB COPY



WP NO. 31647 of 2024

V.BHAVANI SUBBAROYAN,J.

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