



W.P.Nos.9412,9414, 9418 & 9421 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.9412, 9414, 9418 & 9421 of 2021

B.Priya	... Petitioner in W.P.No.9412 of 2021
M.Nirmala	... Petitioner in W.P.No.9414 of 2021
Mahalakshmi Rajendran	... Petitioner in W.P.No.9418 of 2021
J.Seline Amala Rani	... Petitioner in W.P.No.9421 of 2021

Vs.

1.The Principal Secretary,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Fort St.George, Chennai 600 001.

2.The Director,
Medical and Rural Health Services,
Chennai 600 006.

3.The Member Secretary,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Buildings,
359, Anna Salai, Teynampet,
Chennai 600 008.

... Respondents in all W.Ps

Prayer in all W.Ps: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents herein to regularise the appointment of the petitioners with effect from 19.09.2015, 16.09.2015, 16.09.2015 &



W.P.Nos.9412,9414, 9418 & 9421 of 2021

21.08.2015 being the dates of initial appointment with all pay and service benefits pursuant to the representation of the petitioners dated 25.02.2021, 06.02.2021, 26.02.2021 & 25.02.2021.

In all W.Ps

For Petitioners : Mr.P.Puhazh Gandhi

For Respondents : Mr.S.Silambanan,
Additional Advocate General, assisted by
Mr.Yogesh Kannadasan, SGP

COMMON ORDER

These Writ Petitions have been filed seeking issuance of a Writ of Mandamus, to direct the first and second respondents herein to regularise the appointment of the petitioners with effect from 19.09.2015, 16.09.2015, 16.09.2015 & 21.08.2015 being the dates of initial appointment with all pay and service benefits pursuant to the representation of the petitioners dated 25.02.2021, 06.02.2021, 26.02.2021 and 25.02.2021.

2. Heard Mr.P.Puhazh Gandhi, learned counsel for the petitioners and Mr.S.Silambanan, learned Additional Advocate General for the respondents.

3. Mr.P.Puhazh Gandhi, learned counsel for the petitioners



W.P.Nos.9412,9414, 9418 & 9421 of 2021

submitted that the petitioners were appointed as Staff Nurses on 24.08.2015, 19.09.2015, 21.09.2015 and 29.09.2015 respectively, by participating in the selection process following the notification issued for recruitment *vide* notification No.1/2015 dated 19.04.2015. Even though the petitioners were regularised, the date of regularisation was not given effect from their date of appointment but from the date of issuance of the order for regularisation on 28.03.2018, 01.09.2020 and 09.03.2019 respectively. He further submitted that the petitioners have been appointed against the regular vacancy and they were not temporarily appointed. In such case, the regularisation ought to have been given with retrospective effect from the date of appointment and not from the date of the order given for regularisation.

4. Mr.S.Silambanan, learned Additional Advocate General for the respondents submitted that the Government has decided to fill up 7243 candidates for appointment to the post of nurses on consolidated pay and the petitioners have been appointed on consolidated pay basis. In the notification dated 19.04.2015 itself, it has been specifically mentioned that the recruitees will be absorbed into regular time scale of pay after



W.P.Nos.9412,9414, 9418 & 9421 of 2021

completion of a minimum of two years subject to availability of regular vacancies (strictly based on seniority and eligibility). Having agreed to the said conditions of appointment, the petitioners are estopped from claiming the present relief, without challenging the conditions in the notification itself.

5. Similar issue has already been decided by this Court in W.P.No.7963 of 2022 dated 27.09.2023 and a direction has been given to the respondents to consider the representation of the petitioner therein in accordance with law and pass orders. Hence, I find no difficulty in issuing a direction to the respondents to consider the representation of the petitioners dated 25.02.2021, 06.02.2021, 26.02.2021 & 25.02.2021 and pass appropriate orders.

6. In the result, these Writ Petitions are disposed and the respondents are directed to consider the representation of the petitioners dated 25.02.2021, 06.02.2021, 26.02.2021 and 25.02.2021 and pass appropriate orders in

accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.



W.P.Nos.9412,9414, 9418 & 9421 of 2021

05.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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W.P.Nos.9412,9414, 9418 & 9421 of 2021

R.N.MANJULA, J.

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To

1.The Principal Secretary,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Fort St.George, Chennai 600 001.

2.The Director,
Medical and Rural Health Services,
Chennai 600 006.

W.P.Nos.9412, 9414, 9418 & 9421 of 2021

3.The Member Secretary,
Medical Services Recruitment Board (MRB),
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