



W.P.No.34139 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34139 of 2024
and
W.M.P.No.36956 of 2024

S.Loganayaki

...Petitioner

Vs

1. The Mission Director,
National Health Mission (Tamilnadu)
DMS Complex, Teynampet,
Chennai – 600 006.

2. The Director,
Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai – 600 006.

3. The President
District Health Society/District Collector,
Collector Office Complex,
Coimbatore,
Coimbatore District – 641 018.

...Respondents



W.P.No.34139 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus after calling for the records relating to the order Se.Mu.Ka.No.8253/A7/2022 dated 25.07.2024 of the 3rd respondent quash the same and consequently direct the 3rd respondent to reinstate the petitioner with continuity of service with backwages and with all attendant benefits and pass orders.

For Petitioner : Mr.S.T. Varadarajulu

For Respondent : Mr. M. Bindran
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This petition is filed seeking to issue a Writ of Certiorarified Mandamus after calling for the records relating to the order passed by the 3rd respondent in Se.Mu.Ka.No.8253/A7/2022 dated 25.07.2024 and quash the same and consequently direct the 3rd respondent to reinstate the petitioner with continuity of service with back wages and with all



W.P.No.34139 of 2024

attendant benefits and pass orders.

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3. The facts of the case is that the petitioner is appointed as a Mid-Level Healthcare Provider (MLHP) on 28.02.2022 vide appointment order R.No.8253/A8/2021-180 and posted at Vellikupamapalayam HSC, Karamade Block, Coimbatore. The appointment is made on a contract basis for a period of 11 months from 03.05.2023 and the same can be periodically renewed at the discretion of the authorities concerned. It is pertinent to note that the regular nurses who are working in the Government Hospital are lesser qualified than the nurses appointed on contract basis. The grievance of the petitioner is that the petitioner is a secretary of a Tamilnadu Government Mid-Level Health Care Provider Welfare Association and he has uploaded some videos in instagram about the grievance faced in their profession, due to which a false complaint was lodged against the petitioner. Pursuant to which the impugned order came to be passed. Aggrieved over the same the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted that the



W.P.No.34139 of 2024

petitioner has uploaded the video in the social media with regard to the grievance faced in their profession and she has not criticized the department as stated by the respondent. While things stood us, the respondent has passed the impugned order mechanically without observing the rules in force. Hence, prays for interference by this Court.

5. The learned counsel for the respondents submitted that as per the agreement of contract made for appointment the petitioner should not have contested in any elections and indulge in the act of uploading videos with regard to the profession. It is pertinent to note that the petitioner is holding the post of the Secretary in Tamilnadu Government Mid-Level Health Care Provider Welfare Association and uploaded videos relating to the functioning of the department which is a clear violation. Hence, prays to dismiss this petition.

6. Heard both sides and perused the materials available on record.

7. On a perusal of the agreement of contract of appointment it is



W.P.No.34139 of 2024

WEB COPY

made clear that if there is any breach of trust, the appointment made to the concerned person can be terminated. The relevant portion is extracted here under:

24. During the period of contract, you shall not stand for election for any public offices.

25. You shall conduct yourself at all times with the fullest regard for the purposes and principles of SHS and in a manner befitting your relationship with SHS under the contract. You shall not engage in any activity that is incompatible with those purposes and principles or the proper discharge of your duties. You shall avoid action any action and in particular any kind of public announcement which may adversely reflect on the relationship or on the integrity, independence and impartiality which are required by the relationship. You shall not accept any favor, gift or remuneration from any source external to SHS without first obtaining approval in writing for the same.

8. On going through the above provisions it is made clear that the petitioner has violated the terms of contract by contesting in the elections and uploading videos about the functioning of the Department. Hence, there is no infirmity in the impugned order passed by the respondent and the same does not require interference by this Court.

9. Considering the facts of the case it is made clear that the



W.P.No.34139 of 2024

WEB COPY

contentions of the petitioner is devoid of merits and the same cannot be accepted by this Court.

10. In view of the above facts it is made clear that there is no merits in the submissions made by the petitioner and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. Consequently the connected miscellaneous petition is closed.

22.11.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

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W.P.No.34139 of 2024

WEB COPY

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WEB COPY



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