



W.P.No.33242 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.33242 of 2023
and W.M.P.No.32962 of 2023

S.Senthil Nathan

...Petitioner

-Vs-

1. The Principal Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.
2. The Principal Secretary,
Government of Tamil Nadu,
Finance Department,
Fort St.George,
Chennai-600 009.
3. The Director,
Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai 10.
4. The Director,
Medical and Rural Health Services,
DMS Building, Anna Salai,
Teynampet, Chennai-600 006.



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5. The Secretary,
Union of India,
Health and Family Welfare,
Room No.201-D, Nirman Bhawan,
New Delhi-110011.

6. The Chairman,
National Medical Commission (NMC),
Pocket 14, Sector-8, Dwarka,
New Delhi 110 077.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to fill the nursing vacancies as per the norms fixed by the sixth respondent within time in the regular time scale of pay.

For Petitioner : Mr.B.Manoharan

For R1 to R4 : Mr.K.Tippu Sulthan
Government Advocate

For R5 : Mr.A.Veeramani
CGSC

ORDER

This writ petition has been filed for direction directing the first respondent to fill up the vacancies to the post of Nursing as per the norms fixed by the sixth respondent in regular time scale of pay.



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2. Heard the learned counsel on either side and perused the materials available on record.

3. The grievance of the petitioner is that the sixth respondent is the competent authority to fix the ratio for nurse and Beds/patient for both the Government and Private Hospitals and Medical College Hospitals all over India. As per the norms, the Nurse and the Beds ratio is 1:3 per shift with 30% reservation. The petitioner, being a qualified Nurse and like the petitioner who had studied in Government, Quasi Government and Private Nursing colleges are waiting for the Government jobs in Tamil Nadu. They are also working under the contract basis in the Government or Quasi-Government Hospital. However, they have not been appointed in the regular time scale of pay so far.

4. A perusal of records revealed that on receipt of the grievance petitions from the persons who had completed their nursing courses, the third and fourth respondents had sent a recommendation for creation of new staff Nurse, Nursing Superintendent Grade-I and Grade-II posts based on the actual bed strength for the institutions under the control of



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the Director of Medical Education to the Government vide communication dated 16.12.2023 in DME Ref.No.108120/P&D II(2)/2022. As per the said communication, for the post of Nursing Superintendent Grade-I - 387 is required to be created, for the post of Nursing Superintendent Grade-II - 2472 is required to be created and for the post of Staff Nurses is 18,828 is required to be created and it is pending.

5. Considering the above facts and circumstances of the case, the first and second respondents are directed to consider the proposal sent by the third and fourth respondents, in order to create the above mentioned posts as per the actual bed strength for the institutions under the control of the Director of Medical Education and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above directions, this writ petition is disposed of.

Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

31.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
mn

Note: Issue order copy on 15.02.2024



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To

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