



W.M.P.Nos.35526, 35549 & 35556 of 2023

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W.M.P.Nos.35526, 35549 & 35556 of 2023 in
W.P.Nos.34125 of 2015, 14215 of 2019 and 22495 of 2023
and W.P.Nos.34360 of 2015 and 2982 of 2017

THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Chief Justice)

Heard Mr.V.Prakash, learned Senior Counsel appearing for Ms.Swarnam J.Rajagopalan, learned counsel for the respective applicants, Mr.Edwin Prabakar, learned State Government Pleader, Ms.Shubharanjani Ananth, learned counsel, Mr.G.Arumugam, learned counsel, Mr.D.Veerasekaran, learned counsel and M/s.Ramalingam Associates for the respective non-applicants in the respective applications.

2. These applications are filed seeking leave to amend the prayer in the writ petitions.

3. Learned Senior Counsel submits that inadvertently, wrong provisions were quoted while challenging the Special Rules of Tamil



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Nadu Medical Services, 1969. Instead of assailing Rules 2, 11 and 4(c) of the Special Rules of Tamil Nadu Medical Services, 1969, Rule 4(b) is assailed in the writ petitions. It is submitted that no further grounds are being adopted.

4. Learned State Government Pleader and the respective learned counsel appearing for the impleading non-applicants oppose the said request and submit that the amendment would change the very nature of the pleadings and changing the same cannot be allowed by way of an amendment.

5. We have considered the submissions made by the respective parties.

6. We had heard the matter earlier finally and during that time, it was noticed by the learned Senior Counsel for the petitioners that the provisions that were required to be challenged have been inadvertently left out. According to the petitioners, the grounds are already raised in the memo of the writ petitions. The same is an inadvertent error. It



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would also be in the interest of justice, that the matters are decided on merits.

7. In the light of that, the amendment, as sought and prayed for, is allowed. Registry is directed to make appropriate amendments. The respondents are at liberty to file affidavit to the amended part.

8. At the request of learned counsel for the respective non-applicants, for filing affidavit, list these matters on 12.04.2024.

(S.V.G., C.J.) (D.B.C.,J.)
12.03.2024

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