



WP(MD) No.8295 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.8295 of 2024

and

WMP(MD)Nos.7489 & 7490 of 2024

1.N.Angala Eswari @ Anitha

2.M.Ramanathan

.. Petitioners

Vs.

1. The Secretary to Government of Tamilnadu,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.

2. The Director,
Directorate of Medical Education,
Poonamallee High Road,
Chennai- 600 010.

3. The Director of Public Health,
and Preventive Medicines,
DMS Campus, Teynampet,
Chennai - 600 006.

4. The Director of Medical and Rural Health Services,
DMS Campus, Teynampet,



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Chennai - 600 006.

5. The Chairman,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Building,
358, Anna Salai, Teynampet,
Chennai 600 006.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularize the services of the petitioners against the regular vacancies of Pharmacists in accordance with G.O.Ms.No.335 dated 12.11.2015 before recruiting fresh candidate from the open market.

For Petitioners : Mr.A.Srinivasan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The petitioner filed this writ petition seeking to direct the respondents to regularize the services of the petitioners against the regular vacancies of Pharmacists in accordance with G.O.Ms.No.335 dated 12.11.2015 before recruiting fresh candidate from the open market.



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2. Heard Mr.A.Srinivasan, learned counsel appearing for the petitioners and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

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

4. In G.O.Ms.No.335 Health and Family Welfare (C1) Department, dated 12.11.2015, the following conditions have been prescribed for sanction of 770 posts of Pharmacists under Rashtriya Bal Swasthya Karyakram (RBSK) Scheme, on consolidated pay of Rs.10,000/- per month:

“(i) The recruitment process will be done through the Medical Services Recruitment Board as per the rules of procedure followed by the Board for recruitment.

(i) The candidates, who are appointed under the Rastriya Bal Swasthya Karyakram (RBSK) scheme would be absorbed to the regular time scale vacancies in Primary Health Centers after the completion of 2 years of service on Consolidated Pay of Rs.10,000/- per month as and when the services in the regular time scale. If there is no vacancy even



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after the completion of two years, they will continue to be on consolidated pay till such time vacancy arises in Primary Health Centers and they should not claim to absorb them into regular time scale immediately after completion of two years. They should be absorbed only as and when the regular time scale vacancies arises in the posts existing in Government departments.”

5. Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents submitted that in this regard, the United Tamilnadu RBSK Pharmacists Association sent a letter dated 21.10.2023 to the Government and for which clarification has been given on 28.06.2022 vide letter No.19988/C1/2022-1 stating that the persons who have been appointed on consolidated basis to National Health Mission (NHM) cannot claim regularisation without participating in the selection process of regular recruitment for the said post. The petitioners instead of challenging the said order, have filed this writ petition for issuance of Writ of Mandamus to consider their representation.



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6. Mr.A.Srinivasan, learned counsel appearing for the petitioners submitted that the petitioners have not been furnished with the said order dated 28.06.2022.

7. When the matter has been represented by the Association, its members cannot expect copy to be furnished to each and every members of the Association. However, since the petitioners are interested, there is no harm in furnishing a copy of the same to the petitioners. It is up to the petitioners to challenge the order dated 28.06.2022, if so advised.

8. Accordingly, this writ petition is **disposed of**. No Costs. Consequently, connected miscellaneous petitions are closed.

01.04.2024
(2/2)

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJL



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