



W.P.(MD) No.17473 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.17473 of 2020

and

W.M.P.(MD) No.14611 of 2020

T.Rajila

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
St. George Fort, Chennai.

2.The Director of Public Health and
Preventive Medicine,
Chennai-6.

3.The Deputy Director of Health Services,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records of G.O.Ms.No.491 Health and Family Welfare Department, dated 27.09.1996 issued by the 1st respondent and the proceedings of the 2nd respondent vide R.No.



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082834/E2/S2/2019, dated 15.09.2020, quash the same and consequently direct the respondents to include the post of Village Health Nurse (Female) in the panel for the promotional post of Entomological Assistant

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.D.Sachikumar
Additional Government Pleader

ORDER

The petitioner herein, who was working as Multi Purpose Health Worker (Female), approached this Court by filing the present writ petition questioning G.O.Ms.No.491, Health and Family Welfare Department, dated 27.09.1996 issued by Respondent No.1 and the proceedings in R.No. 082834/E2/S2/2019, dated 15.09.2020 issued by Respondent No.2, and to declare them as illegal and arbitrary and consequently to direct the respondents to include the post of Village Health Nurse (Female) in the panel for promotion to the post of Entomological Assistant.

2. Through the impugned Government Order, the feeder categories for the post of Entomological Assistant were prescribed by including Health



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Inspector Grade-I, Health Inspector Grade II and Laboratory Assistant. The learned counsel for the petitioner contended that all the three feeder categories are being filled up only by the male candidates. But the persons, who are working as Multi Purpose Health Worker (Female) like the petitioner are not being considered for appointment to any three of the feeder categories for the post of Entomological Assistant thereby, the Multi Purpose Health Workers (Female) are being discriminated.

3. The respondents filed a detailed counter affidavit. The post of Entomological Assistant is included in Category-2 of Clause-I of Tamil Nadu Public Health Subordinate Service Rules. Whereas the post in which the petitioner was working is included in Category-31 of Clause-I of the very same Rules. The procedure for appointment to the post of Entomological Assistant and in respect of the post held by the petitioner are totally different. The post of Auxiliary Nurse Midwife, that is, the post held by the petitioner as on the date of filing of the writ petition was included for promotion to certain other posts and the case of the petitioner was also considered for promotion during the pendency of the writ petition and she was also



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promoted to the post of Maternity and Child Health Staff, which is under Category-13 of Clause-I of the said Rules. Thus, the Rules referred to above provide for different promotion channels for different posts depending upon the qualification and experience as provided under the said Rules.

4. Through the impugned Government Order, the feeder categories for the post of Entomological Assistant are provided. As such, on the face of the impugned Government Order, there is nothing to suggest that there was any discrimination shown towards the female employees of the cadre to which the petitioner herein belongs to. Even if the contention of the petitioner is also accepted as true, the so called discrimination is while effecting promotion to the post of Health Inspector Grade-I, Health Inspector Grade-II and Laboratory Assistant. It is only in respect of those posts, according to the learned counsel for the petitioner, the female employees working as Multi Purpose Health Assistants or Auxiliary Nurse Midwife are not being considered and only male candidates are being considered. If that be the case, it is for the petitioner to question the relevant rule providing feeder categories for promotion to the posts of Health Inspector Grade-I,



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Health Inspector Grade-II and Laboratory Assistant, but not the impugned Government Order. In the circumstances, this Court does not find any merit in the writ petition and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

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MUMMINENI SUDHEER KUMAR, J.

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