



WP(MD) No.18061 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18061 of 2024

D.Immanuel

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

2. The Director (Personnel),
Department of Public Health and Preventive Medicine,
No.359, DMS Complex, 361, Anna Salai,
Chennai - 600 006.

3. The Mission Director,
State Health Society,
Department of Public Health and Preventive Medicine,
No.359, DMS Complex, 361, Anna Salai,
Chennai - 600 006.



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4. The Director,
Directorate of Medical and Rural Health Service,
No.359, DMS Complex, 361, Anna Salai,
Chennai - 600 006.

5. The Medical Services Recruitment Board,
Rep. by its Member Secretary,
7th Floor, DMS Building, 359, Anna Salai,
Chennai - 600 006.

6. The Deputy Director of Public Health,
Department of Public Health and Preventive Medicine,
Kanyakumari District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents No.1 to 5 herein to regularize the service of the petitioner as Pharmacists as per G.O.Ms.No.335, dated 12.11.2015 in light of the judgments in W.P.Nos.14122, 35833 of 2023 and 8227, 15628 and 19707 of 2024, dated 15.07.2024 rendered by this Court

For Petitioner : Ms.E.L.Shalini

For Respondents : Mr.N.Ramesh Arumugam

Government Advocate



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ORDER

The petitioner has filed this writ petition to direct the respondents to regularise the service of the petitioner as Pharmacists in pursuant to G.O.(Ms)No.335, dated 12.11.2015 and in the light of W.P.Nos.14122, 35833 of 2023 etc., batch, dated 15.07.2024.

2. Heard Ms.E.L.Shalini, learned counsel appearing for the petitioner 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 disposal at the stage of admission itself.

4. The petitioner has been appointed under Rashtriya Bal Swasthya Karyakram (RBSK) Scheme of the Government of India. The Government Order in G.O.(Ms)No.123, dated 09.05.2024 has been passed in order to implement the object of the scheme. The scheme has got the objectives of the early detection and management of defects of birth, diseases in children, deficiency conditions and developmental



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delay including disabilities of children. So in pursuant to the above Government Order, the petitioner was appointed on contract basis on 02.09.2015 on a consolidated pay of Rs.10,000/-. However, subsequent Government Order has been passed in G.O.(Ms)No.335, dated 12.11.2015 to regularise the services of the petitioners and similarly places persons in the event of their completion of 2 years of service by absorbing them in the regular time scale vacancies in Primary Health Centre, as and when the vacancy arises if there is no vacancy then for the person so appointed will continue to be engaged on consolidated basis, till such time the vacancy would arise.

5. Similarly placed persons have already filed various Writ Petitions in W.P.Nos.14122 of 20223 etc., batch, and in which, an order has been passed by the Bench on 15.07.2024 as under :

“9. Thus, it is clear that only after regularisation of the persons who were appointed under RBSK scheme, the other recruitments to be made. Further even as per the counter, there are more than 900 Pharmacist posts are vacant under various Primary, Secondary and Tertiary Care Institutions.



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Therefore, the selected candidates under the notification of the year 2022 issued by the Medical Service Recruitment Board filed implead petition and objected the direction sought for by the petitioners on the ground that already they were selected and also issued appointment orders. They are yet to join.

10. Considering the above facts and circumstances of the case, the respondents are directed to regularise the service of the petitioners in the regular vacancies in the post of Pharmacist as per the G.O.Ms.No.335, dated 12.11.2015 within a period of eight weeks from the date of receipt of a copy of this order, without disturbing the candidates who are selected as per the notification of the year 2022.”

6. Since the petitioner is also similarly placed person as that of the petitioners in the above writ petitions, the petitioner is also entitled to get the similar relief.

7. In view of the above discussion, the writ petition is allowed and the second respondent is directed to regularise the service



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of the petitioner in the regular vacancies in the post of Pharmacist in terms of as per the G.O.Ms.No.335, dated 12.11.2015 within a period of eight weeks from the date of receipt of a copy of this order, without disturbing the candidates, who are already selected as per the notification of the year 2022. No costs.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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To

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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.18061 of 2024

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