



W.P.(MD).No.21712 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21712 of 2024

J.Annalakshmi

... Petitioner

Vs.

1. The Secretary,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi – 110 001.
2. The Mission Director,
National Health Mission,
No.359, Anna Salai, 5th Floor,
DMS Complex, Teynampet,
Chennai – 600 006.
3. The Director,
Directorate of Public Health and Preventive Medicine,
Chennai – 6.
4. The Deputy Director of Health Service,
Department of Public Health and Preventive Medicine,
Sankarankovil,
Tenkasi District.



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5. The Block Medical Officer,
Government Primary Health Centre,
Chockampatti,
Tenkasi 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 3 to 5 to appoint the petitioner in the permanent post based on the petitioner's 13 years of service as Scavenger in the fifth respondent Government Primary Health Center on the basis of the petitioner's representation dated 19.07.2024.

For Petitioner : Mr.T.Indrachithu
For R1 and R2 : Mr.S.Pon Senthil Kumaran
Central Government Standing Counsel
For R3 to R5 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant writ petition has been filed by a Sanitary worker seeking a direction as against the respondents 3 to 5 to appoint her in the permanent post based upon the 13 years of service in the fifth respondent Government Primary Health Center, based upon the representation dated 19.07.2024.



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2. The petitioner herein, with a similar request approached this Court in W.P(MD) No.18557 of 2022. The said writ petition was disposed of, by an order dated 16.08.2022 with a direction to the respondents to consider the representation of the writ petitioner. After considering the representation, an order was passed on 12.09.2022, rejecting the request of the writ petitioner.

3. Challenging the order dated 12.09.2022, the petitioner had filed W.P(MD) No.28307 of 2022. The said writ petition was dismissed on 16.12.2022, with the following observations. Paragraph No.5 is extracted as follows:

“5. Admittedly, the petitioner was appointed as Scavenger under RCH/NRHM Scheme and the said Scheme is funded by the Central Government. In fact, the petitioner is entitled to be engaged so long as the scheme is in existence. However, the petitioner is not entitled for regularisation. Regularisation is only for regular employment. Further, it appears that as per G.O.(Ms).No.792, Public Health and Family Welfare Department, dated 05.04.2017, the persons who are engaged under RCH/NRHM Scheme are entitled for consolidated pay. Since the petitioner's appointment is under the said Scheme,



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the claim made by the petitioner is not sustainable one. Hence, this Court is not inclined to interfere with the order passed by the third respondent. However, the respondents are directed to engage the petitioner in the service so long as the scheme is in existence.”

4. In view of the above said orders of this Court, the present request for Mandamus does not arise.,In view of the above said deliberations, there are no merits in this writ petition.

5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

12.09.2024

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