



WEB COPY

WP No. 17522 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P. No. 17522 of 2025
and W.M.P.No.19870 of 2025**

1. T.Vishnu Prakash
S/o.Thiyagarajan (a) Ravi, No.11,
Munshif Street, Kamuthi,
Ramanthapuram District-623 603.
- 2.P.M.Dikshapriya
D/o.Palanikumar, No.21/32, Karpaga
Vinayagar Koils Treet, Tindivanam,
Villupuram District-604 001.
- 3.J.Suruthi
D/o.Jayakuamr, No.23, Thalathagudi,
Saliperi, Nannilam Taluk, Anaikuppam
Thiruvarur-610 105.
- 4.B.Prabhudass
S/o.Balasubramanian, No.12q, Saroja
Kalany Deppo Road, Mannarkudi
Taluk, Thiruvarur-614 001.
- 5.E.Santhoshkuamr
S/o.S.K.Elumalai, No.4, Othavadai



Street, Avarapakkam, Tindivanam,
Villupuram Distirct-604 001.

WEB 6.S.Reena

D/o.Sudhakar, No.18a/55, Rajangam,
Central Veedhi, Vadapalani, Chennai-
600 026.

7.R.S.Kishore,
S/o.D.Sudhasanakumar, No.13-b,
Appavu Muthali Street, Gajalakshmi
Nagar, Vandavasi-604 408.

8.D.Yogeshwaran,
S/o.Doss, No.3/32 Periya Street, Saram,
Villupuram District-604 307.

Petitioner(s)

Vs

1. The Principal Secretary To
Government (health And Family
Welfare)
Department Of Health And Family
Welfare, Secretariat, Chennai-600 009.

2.The Director
Directorate Of Public Health And
Preventive Medicine, No.359, Anna
Salai, Dms Complex, Teynampet,
Chennai-600 006.

3.The Director
Medical And Rural Health Services,
Teynampet, Chennai-600 006.



4.The Director

Directorate Of Medical Services,
Chepauk, Chennai.

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5.The Medical Services Recruitment

Board (mrb)

Rep. By Member Secretary, No.7th
Floor, Dms Building, No.359, Anna
Salai, Teynampet, Chennai-600 006.

Respondent(s)

PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India directing the respondents 1 to 5 to extend the benefit of the order dated 26.09.2024 in W.P. NO.7785 of 2023 in favour of the petitioners herein and to consider the petitioners for the post of Ophthalmic Assistant.

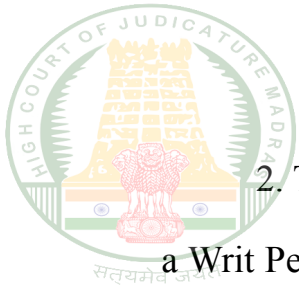
For Petitioner(s): Mr. M.Gnanasekar

For Respondent(s): Mrs.M.Sneha
Special Government Pleader
For R1 to R4
Mr. L. Murugavelu
Standing Counsel For R5

ORDER

(Order of the Court was made by **M.JOTHIRAMAN, J.**)

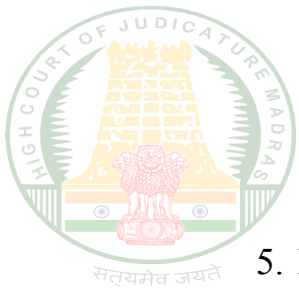
This Writ Petition is filed to direct the respondents 1 to 5 to extend the benefit of the order dated 26.09.2024 made in W.P.No.7785 of 2023 in favour of the petitioners.



2. The case of the petitioners is that one Deepa and three others have filed a Writ Petition in W.P.No.7785 of 2023 seeking declaration to declare G.O.(Ms) No.276, Health and Family Welfare (C2) Department, dated 01.09.2022 in so far it excluded the candidates, who possessed Degree of Bachelor of Optometry as an eligible criteria for the recruitment in the post of Ophthalmic Assistant, is illegal. In the said Writ Petition, the Director, Medical and Rural Health Services, filed counter affidavit. By recording the said counter affidavit in paragraph No.13, the Hon'ble First Division Bench had closed the Writ Petition.

3. The learned counsel appearing for the petitioners would submit that the petitioners, who are having degree qualification, are deprived of their right to participate in the recruitment to the public appointment to the post of Ophthalmic Assistant. The learned counsel would further submit that the order of the Hon'ble First Division Bench dated 26.09.2024 in W.P.No.7785 of 2023 has not been challenged by the respondents and become final and prays to allow the Writ Petition

4. The learned Special Government Pleader appearing for the third respondent has not raised any serious objection to extend the benefit of the order dated 26.09.2024 in W.P.No.7785 of 2023.



5. It is relevant to extract the order of the Hon'ble First Division Bench dated 26.09.2024 in W.P.No.7785 of 2023, which reads as follows:-

“This Writ Petition has been filed to declare the G.O.(Ms) No.276, Health and Family Welfare (C2) Department, dated 01.09.2022 insofar as it excludes the candidates, who possessed Degree of Bachelor of Optometry as an eligible criteria for the recruitment in the post of Ophthalmic Assistant is illegal and arbitrary and consequently, the notification issued by the 2nd respondent in Notification No.02/MRB/2023 dated 17.02.2023 is illegal insofar as it fails to include the Bachelor of degree in Bachelor of Optometry as qualification for the recruitment to the post of ophthalmic Assistant in Tamil Nadu Medical Services Recruitment Board and consequently, direct the first respondent to consider the petitioners for the post of Ophthalmic Assistant, with terminal and monetary benefits, by suitably amending the Recruitment Rules in the Medical Service Recruitment Board by including the degree of Optometry as education qualification with Diploma in Optometry as amended in the Amended Recruitment Rules dated 01.09.2022.

2. In Paragraph No.13 of the counter affidavit dated 22.08.2024 filed by the 3rd respondent, it has been stated as follows:-

“13. With reference to the averments made in Para 15th of the affidavit, it is submitted that all applicants are eligible to apply to the post of Ophthalmic Assistant, as per the amendment issued vide G.O.(Ms) No.276, Health and Family Welfare (C2) Department, dated 01.09.2022 only unless the rule has been amended, no persons, no persons who possesses other than the qualification in G.O.(Ms) No.276, Health and Family Welfare (C2) Department, dated 01.09.2022 are eligible to the post of Ophthalmic Assistant. Moreover, in Tamil Nadu Government Servants (Conditions of Service) Act, 2016, it has been stated as follows:-



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25. *Explanation II : In cases where the special rules prescribe a diploma in a particular subject qualification then a degree in that subject shall be deemed to be a higher qualification."*

3. *Learned counsel for the petitioners, while not disputing the fact regarding the eligibility of the petitioners to apply for the post of Ophthalmic Assistant, submitted that it would suffice that the Writ Petition may be closed, by recording Paragraph No.13 of the counter affidavit."*

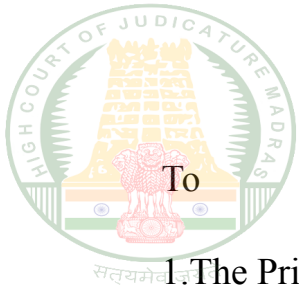
By applying the said ratio laid down in the above Writ Petition, the petitioners herein are also entitled to get the benefit of the order dated 26.09.2024.

6. In view of the above submissions made by the learned counsel appearing on either side, no further order is required to be passed in this Writ Petition. Accordingly, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)

26-06-2025

ASI



To

WEB

1.The Principal Secretary To Government

(health And Family Welfare)

Department Of Health And Family Welfare,
Secretariat, Chennai-600 009.

2.The Director

Directorate Of Public Health And Preventive
Medicine, No.359, Anna Salai, Dms Complex,
Teynampet, Chennai-600 006.

3.The Director

Medical And Rural Health Services,
Teynampet, Chennai-600 006.

4.The Director

Directorate Of Medical Services, Chepauk,
Chennai.

5.The Member Secretary,

Medical Services Recruitment Board (MRB)
Rep. By No.7th Floor, DMS Building, No.359,
Anna Salai, Teynampet, Chennai-600 006.



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J.NISHA BANU J.
AND
M.JOTHIRAMAN J.

ASI

W.P. No. 17522 of 2025
and W.M.P.No.19870 of 2025

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W.M.P.No.19869 of 2025
in W.P. No. 17522 of 2025

J.NISHA BANU J.
and
M.JOTHIRAMAN J.

Ordered as prayed for.

[J.N.B., J.] and [M.J.R., J.]
26.06.2025

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