



W.P.No.43835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.43835 of 2025

and

W.M.P.Nos.48955, 48956 & 48959 of 2025

N.Arasumani

... Petitioner

-Vs-

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare Department,
Chennai – 9.
 - 2.The Director of Medical and Rural Health Services,
Medical Department, DMS Campus,
Teynampet, Chennai – 6.
 - 3.The Director of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk,
Chennai – 10.
 - 4.Joint Director of Medical Education and Research,
Directorate of Medical Education and Research,
Kilpauk, Chennai – 600 010.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus, calling for



W.P.No.43835 of 2025

the entire records relating to the impugned proceedings of the 4th respondent vide Ref.No.91852/N2/2025-2 dated 10.10.2025, quash the same as illegal, arbitrary, and without jurisdiction and consequently direct the respondents 1-3 to consider the promotion of the petitioner in the post of Nursing Tutor Grade-II or Nursing Superintendent Grade-II among the service candidates in the category of 'Nurse' in the vacancies available for the year 2024-2025 or for any other future vacancies that may arise within a stipulated time period fixed by this Court.

For Petitioner : Mr.S.Karthikei Balan

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the proceedings of the 4th respondent dated 10.10.2025, thereby directed to send the filled-in proforma of eligible candidates who were appointed to regular service during the years 2005 to 2010 only, for the preparation of the panel for the post of Nursing Tutor Grade II for the year 2025–2026.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



W.P.No.43835 of 2025

3. The petitioner is qualified with B.Sc. (Nursing), M.Sc. (Nursing) and Ph.D. in Nursing. He had applied for the post of Nurse and appointed as a Nurse on consolidated pay vide order dated 21.08.2015. Subsequently, he was made permanent and his services were regularized by completing his probation period successfully. Therefore, the petitioner is now fully eligible to be appointed to the post of Nursing Tutor Gr.II or Nursing Superintendent Gr.II. as per the extant rules governing the post of Nurse.

4. As per G.O.(Ms.)No.272, Health and Family Welfare (AA2) Department, dated 09.09.2014, the Government fixed a ratio between B.Sc. (Nursing) Degree candidates under direct recruitment and service candidates with B.Sc.(Nursing) qualification under appointment by recruitment by transfer by conducting examinations by Medical Recruitment Board after following the rule of Reservation and communal rotation. Now, the 4th respondent without following the above Government Order and applicable service rule by proceedings dated 10.10.2025 called for the filled-in proforma of eligible candidates who were appointed to regular service during the years 2005 to 2010 only, for



W.P.No.43835 of 2025

the preparation of the panel for the post of Nursing Tutor Grade II for the year 2025–2026.

5. Though the petitioner was appointed as a Nurse with effect from 21.08.2015, as per the applicable service rule he is eligible to be considered for promotion to the post of Nursing Tutor Grade II or Nursing Superintendent Grade II. The impugned notification cannot be restricted only to candidates appointed during the period from 2005 to 2010, as in any case, if eligible candidates are not available for promotion to the post of Nursing Tutor Grade II, the vacancy cannot be filled and would remain vacant. That apart, the order impugned in this Writ Petition also unjustifiably restricts the promotional opportunities of candidates appointed before 2005 and after 2010.

6. On instructions, learned Additional Government Pleader appearing for the respondents, submitted that when the 3rd respondent had earlier called for panel particulars in this regard, numerous phone calls were received from various institutions stating that furnishing the details of all eligible Staff Nurses was a tedious process involving voluminous



W.P.No.43835 of 2025

data, and they expressed difficulties in doing so. Therefore, it was submitted that calling for particulars from all eligible Staff Nurses is not necessary, as thousands of qualified Staff Nurses are available, while the vacancies are only 138.

7. Since the impugned notification seeks particulars only from certain candidates for the preparation of the panel for promotion to the post of Nursing Tutor Grade II and not from all eligible candidates as required under the statutory service rules, the same suffers from arbitrariness, non-application of mind and violation of Articles 14 and 16 of the Constitution of India. The issuance of the notification only for some selective candidates deprives several eligible employees of their right to be considered for promotion. Therefore, the impugned notification cannot be sustained and liable to be quashed.

8. Accordingly, the impugned notification issued by the 4th respondent, dated 10.10.2025 is hereby quashed. The respondents 3 and 4 are directed to forthwith issue a fresh notification, strictly in accordance with the service rules, calling for the filled-in proforma of all eligible



W.P.No.43835 of 2025

WEB COPY

candidates appointed to regular service from the year 2005 onwards, for the preparation of the panel for promotion to the post of Nursing Tutor Grade II for the year 2025–2026, as candidates appointed up to the year 2004 have already been considered and promoted.

9. With the above observations and directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

17.11.2025

Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
sp



W.P.No.43835 of 2025

WEB COPY To

- 1.The Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Chennai – 9.
- 2.The Director of Medical and Rural Health Services,
Medical Department, DMS Campus,
Teynampet, Chennai – 6.
- 3.The Director of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk,
Chennai – 10.
- 4.The Joint Director of Medical Education and Research,
Directorate of Medical Education and Research,
Kilpauk, Chennai – 600 010.



WEB COPY



W.P.No.43835 of 2025

G.K.ILANTHIRAIYAN. J,

sp

W.P.No.43835 of 2025

17.11.2025