



WEB COPY

WP No. 42854 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 42854 of 2025

and

WMP Nos.47916, 47915 & 47914 of 2025

P.Kuppusamy

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



Respondent(s)

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus Calling for 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 Honourable Court.

For Petitioner(s): Mr. S. Karthikei Balan

For Respondent(s): Mr.M.Bindran AGP

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.

3. The petitioner is qualified with BSc (Nursing) and M.Sc. (Psychiatric). The petitioner 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 regularised 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 GO.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 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.

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6. On instructions, Mr. M. Bindra, learned AGP, 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 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.

Accordingly, the impugned notification issued by the 4th respondent dated 10.10.2025 is quashed. 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 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.

8. With the above directions, this Writ Petition is allowed. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

Shr

10-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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And Research
Directorate Of Medical Education And
Research, Kilpauk, Chennai-600 010



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G.K.ILANTHIRAIYAN J.

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