



W.A.(MD)No.35 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.35 of 2024
and
C.M.P.(MD)Nos.363 and 365 of 2024

1.S.Sudha
2.S.Sakthivel
3.K.Saravanan
4.A.Kavitha
5.M.Venkatesh
6.D.Bagirathi
7.S.Priya
8.S.Saravanan
9.V.Geetha
10.Felida Sagaya Rani

... Appellants

Vs.

1.S.Arunachalam
2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.
3.The Director of Public Health and Preventive Medicine,
DMS Campus, Teynampet,
Chennai-600 006.



W.A.(MD)No.35 of 2024

WEB C

4. Medical Services Recruitment Board,
Represented by its Chairman/Member Secretary,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet, Chennai-600 006.

5. The Director of Medical Examination,
DMS Campus,
Chennai.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.5355 of 2023 dated 03.04.2023.

For Appellants	: No Appearance
For R1	: Mr.S.Bharathi
For R2, R3 & R5	: Mr.J.Ravindran
	Additional Advocate General
	assisted by Mr.S.S.Madhavan
	Additional Government Pleader
For R4	: Mr.V.Ramesh

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This Writ Appeal is filed by the third parties to the writ petition.

2. The writ petition is filed by one Arunachalam inter alia praying to quash the notification dated 17.07.2023 fixing the qualification of two years



W.A.(MD)No.35 of 2024

WEB COPY
Diploma in Optometry conducted by a Government Medical College or any other institution recognized by the Directorate of Medical Education and pass in three months condensed para medical ophthalmic assistant course conducted by the Regional Institute of Ophthalmology, Chennai or any other institution recognized by the Directorate of Medical Education, to be appointed as Ophthalmic Assistant in the Government Medical Institution. The Writ Court had passed the following order dated 03.04.2023:

“4. The impugned recruitment notification is a mere reiteration of the statutory Rule. The candidate cannot obtain the qualification of passing the condensed three months course, because the said course is not being conducted. No other institution is also conducting the said course. In these circumstances, the respondent will be unreasonable and would be acting in breach of Article 14 of the Constitution of India, if they insist that only those candidates who have passed the three months condensed course, will be considered for appointment to the post in question.

5. In this view of the matter, the respondents are directed to consider the petitioner's application on the footing that he is eligible to be appointed for the aforesaid post. In other words, the respondent will not insist on the qualification of completion of three months condensed paramedical ophthalmic Assistant course for the petitioner.”



W.A.(MD)No.35 of 2024

WEB COPY

3.Today, when the matter is taken up for hearing, the learned Government Pleader appearing for the official respondents submits that without the said qualification they cannot be appointed.

4.This Court is of the considered opinion that the accrued right of the appellants cannot be denied. Therefore, the official respondents shall appoint the appellants immediately. Thereafter, the appellants are directed to complete the course. On such completion, the appellants shall do their service.

5.With the above direction, this writ appeal stands dismissed. No cost. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
24.04.2025

Index : Yes / No
Internet : Yes/No
ta



W.A.(MD)No.35 of 2024

WEB COPY

To

- 2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.
- 3.The Director of Public Health and Preventive Medicine,
DMS Campus, Teynampet,
Chennai-600 006.
- 4.Medical Services Recruitment Board,
Represnted by its Chairman/Member Secretary,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet, Chennai-600 006.
- 5.The Director of Medical Examination,
DMS Campus,
Chennai.



WEB COPY



W.A.(MD)No.35 of 2024

J.NISHA BANU, J.

and

S.SRIMATHY, J.

ta

W.A(MD)No.35 of 2024

24.04.2025