



W.P.(MD)No.24961 of 2022

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.24961 of 2022

Dr.T.M.Sanju

: Petitioner

Vs.

1.The Government of Tamil Nadu,
By its Secretary,
Department of Health and Family Welfare,
Chennai.

2.The Union of India,
New Delhi,
By its Secretary,
Ministry of Health & Family Welfare,
Nirmanbhavan,
New Delhi.

3.The Chairman,
Tamil Nadu Medical Services Recruitment Board,
Chennai.

: Respondents



W.P.(MD)No.24961 of 2022

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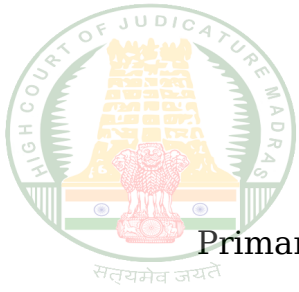
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Mandamus, directing the respondents 1 & 3 to conduct special qualifying examination for the regularization of the service of the petitioner to pursuance of the G.O.(Ms).No.302, Health and Family Welfare (B2) Department dated 20.11.2006.

For Petitioner : Mr.J.Madhu
For Respondent No.1 : Mr.S.S.Madhavan,
Additional Government Pleader
For Respondent No.2 : Mr.K.Govindarajan
Deputy Solicitor General of India
For Respondent No.3 : Mr.V.Ramesh
Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first and third respondents to conduct special qualifying examination for the regularization of the services of the petitioner in pursuance of G.O.(Ms).No.302, Health and Family Welfare (B2) Department dated 20.11.2006.

2.The petitioner states that he was appointed as Medical Officer in the Mini Clinic Thellandhy under the control of the Block



W.P.(MD)No.24961 of 2022

Primary Health Centre, Senbagaramanpudhur, Kanyakumari District

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on contractual basis. The petitioner was relieved from service on 31.03.2022. The first respondent has to conduct special qualifying examination for the Doctors who have worked on contractual basis for the post of Assistant Surgeon. According to the petitioner, G.O. (Ms).No.302, Health and Family Welfare (B2) Department dated 20.11.2006, is applicable to the case of the petitioner. Therefore, the petitioner seeks for a Mandamus to direct the first and third respondents to conduct special qualifying examination for the regularization of the petitioner's service pursuant to G.O.(Ms).No. 302, Health and Family Welfare (B2) Department dated 20.11.2006.

3.Counter affidavit has been filed by the first respondent stating that the petitioner was appointed purely on temporary basis during the pandemic situation, with a condition that his services will not be regularised. Therefore, according to the respondents, the petitioner who was appointed on temporary basis is not entitled to the prayer sought for in this Writ Petition and the provisions of G.O. (Ms).No.302, Health and Family Welfare (B2) Department dated 20.11.2006, is not applicable to the petitioner.



W.P.(MD)No.24961 of 2022

WEB COPY

4. Admittedly, the petitioner was appointed only on temporary basis based on a contract. The contract contains certain terms and conditions. In the said contract, it has been made clear that the petitioner cannot seek regularisation of his service and it is only a temporary employment. Therefore, it is clear that G.O. (Ms).No.302, Health and Family Welfare (B2) Department dated 20.11.2006, will not apply to the case of the petitioner. Only when there is a legal right, the question of issuance of Mandamus by this Court will arise. Since there is no legal right for the petitioner to seek the prayer as sought for in this Writ Petition, the question of entertaining this Writ Petition does not arise. Hence, there is no merit in this Writ Petition.

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

11.09.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



W.P.(MD)No.24961 of 2022

WEB COPY

To

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2.The Secretary,
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3.The Chairman,
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W.P.(MD)No.24961 of 2022

ABDUL QUDDHOSE., J.

MR

W.P.(MD)No.24961 of 2022

11.09.2025