



W.P.(MD)No.25982 of 2023 & 2786 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)Nos.25982 of 2023 & 2786 of 2024
and W.M.P.(MD)Nos.22350, 22353 of 2023, 2721 & 2783 of 2024 &
20118 of 2025

W.P.(MD)Nos.25982 of 2023:

T.Deivanai

... Petitioner

/Vs./

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Department of Health and Family Welfare,
Fort. St. George,
Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,
O/o.The Director of Public Health and Preventive Medicine,
Chennai - 600 006.
3. The Medical Services Recruitment Board,
Rep by its Member Secretary,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet, Chennai 600 006.

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4. Tamil Nadu Nurses and Midwives Council,
Rep by its Registrar,
Jayaprakash Narayanan Maligai,
Old No.140, New No.56,
Santhome High Road (Near Santhome Church),
Mylapore, Chennai – 600 004.

5. The Principal,
ANM Training School,
Poovanthi,
Sivagangai District.

6. The Principal,
ANM Training School,
Samayanallur,
Madurai District.

7. The Principal,
ANM Training School,
Veerapandi,
Theni District.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned G.O.(Ms) No.254 of dated 25.07.2023, Health and Family Welfare (L1) Department, amending the Special Rules for the Tamil Nadu Public Health Subordinate Service (Section 26 in Volume III of the Tamil Nadu Service Manual, 2016) issued by the 2nd respondent and quash the same as illegal and manifestly arbitrary and consequential notification No.10/MRB/2023 dated 11.10.2023 issued by the 3rd respondent as null and void.



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For Petitioner : Mr.P.R.Kovilan Poongkuntran

For Respondents : Mr.R.Bhaskaran

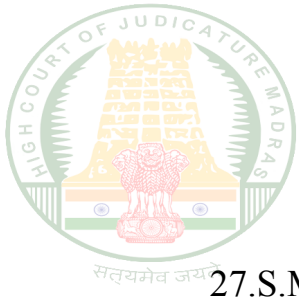
Additional Advocate General

assisted by Mr.J.Ashok

Additional Government Pleader

W.P.(MD)Nos.2786 of 2024:

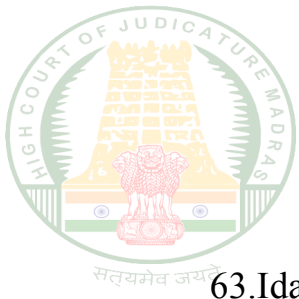
- 1.C.Yoganayaki
- 2.K.Amutha
- 3.M.Devi
- 4.V.Devaki
- 5.N.Sumathi
- 6.A.Shaharbanu
- 7.R.Selvarani
- 8.K.Kavitha
- 9.G.Thanam
- 10.V.Chitra
- 11.R.Pandiammal
- 12.S.Mumtaj
- 13.S.Devi
- 14.C.Geetha
- 15.C.Vellaiammal
- 16.S.Ponmani
- 17.P.Indra
- 18.M.Sasikala
- 19.V.Jeyanthi
- 20.R.Amutha
- 21.M.Eswari
- 22.K.Devi
- 23.S.Veeralakshmi
- 24.M.Elsi
- 25.M.Sudha
- 26.R.Vijayarani



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- 27.S.Mageswari
- 28.A.Rejini
- 29.M.Mallika
- 30.M.Sharmila Begum
- 31.P.Pandiammal
- 32.N.Amarajothi
- 33.K.Valarmathi
- 34.K.Alagumani
- 35.P.Palaniammal
- 36.R.Yasotha
- 37.P.Indumathi
- 38.V.Sellammal
- 39.S.Catherine Agnes
- 40.S.Kavitha
- 41.P.Vanitha Rani
- 42.P.Mercy Pitchaimani
- 43.L.Jothi Rosary
- 44.S.Amaravathi
- 45.A.Sharmila Beevi
- 46.D.Jayanthikala
- 47.M.Pappuanusuya
- 48.A.Grace Sundari
- 49.A.Maria Stella
- 50.M.Kanaga
- 51.S.Santhanakumari
- 52.A.A.Sudha
- 53.S.Selvi
- 54.J.Narmathabanu
- 55.M.Jothi
- 56.R.Varathalakshmi
- 57.N.Kamalavalli
- 58.P.Akila
- 59.D.Kalyani
- 60.M.Ramamirutham
- 61.A.Amirthavalli
- 62.R.Maheswari



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- 63.Idapporani
- 64.K.Lavanya
- 65.K.Sangeetha
- 66.P.Sowdeswari
- 67.S.Dhanalakshmi
- 68.P.Pasuvathi
- 69.E.Santha
- 70.D.UmaMageswari
- 71.T.Rajeswari
- 72.G.Vijayakumari
- 73.G.Gunasundari
- 74.P.Senthamarai
- 75.R.Eswari
- 76.P.Vijaya
- 77.S.Shamugapriya
- 78.N.Santhi
- 79.M.Tamilarasi

... Petitioners

/Vs./

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Department of Health and Family Welfare,
Fort. St. George,
Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,
O/o.The Director of Public Health and Preventive Medicine,
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PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned G.O.(Ms) No.254 of dated 25.07.2023, Health and Family Welfare (L1) Department, amending the Special Rules for the Tamil Nadu Public Health Subordinate Service (Section 26 in Volume III of the Tamil Nadu Service Manual, 2016) issued by the 2nd respondent and quash the same as illegal and manifestly arbitrary and consequential notification No.10/MRB/2023 dated 11.10.2023 issued by the 3rd respondent as null and void and appoint the petitioners as Village Health Nurse/ Auxiliary Nurse Midwives.

For Petitioner : Mr.P.R.Kovilan Poongkuntran

For Respondents : Mr.T.Ravindran, (R1 & R2)

Advocate General

assisted by Mr.J.Ashok,

Additional Government Pleader



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COMMON ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

The prayer in the present two writ petitions is for certiorarified mandamus challenging GO.Ms.No.254, dated 25.07.2023. The impugned government order has been passed amending the Special Rules in relation to the Tamil Nadu Public Health Subordinate Services. On the basis of the impugned GO, notifications had been issued calling for applications for recruitment to the posts of Auxiliary Nursing Midwives. ('ANM') / Village Health Nurse ('VHN').

2. Pending writ petitions, the petitioners had obtained an interim stay of proceedings and a petition for vacate stay had been filed in WMP(MD)No.24240 of 2023. A detailed order was passed on 08.02.2024, this Court noting at para 15 of that order, that by virtue of the interim orders granted on 30.10.2023, the selection process for ANM/VHN had been completely stalled. Hence, the respondents were permitted to proceed with the selection process subject to certain conditions, as follows:-



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“15. In view of the interim order granted by this Court on 30.10.2023, the entire selection process has been stalled by the respondents, we are of the view of that the respondent Board is directed to proceed with the selection process subject to the following conditions:

‘(i) The respondent Board is directed to proceed with the selection process including the application submitted by the petitioners.

(ii) These petitioners are permitted to participate in the selection process as per the notification and if the petitioners are otherwise eligible, the respondent Board may consider the selection of the petitioners for the recruitment to the post of Health Nurse / Auxiliary Nurse Midwife and appointment order shall be issued to those selected candidates without awaiting any order from this Court.

(iii) Insofar as non-selected petitioners are concerned, who do not come under the zone of consideration, their results shall not be published, till the final decision is taken in the present Writ Petitions.

(iv) The respondent Board shall keep the remaining posts vacant for the non-selected petitioners for the abovesaid posts and it can be filled up subject to the outcome of the order passed in the Writ Petition.”

3. In addition, the Division Bench also clarified at Para 16 as follows:

“16. We make it clear that the respondent Board shall proceed with the selection process and issue necessary appointment orders to the selected candidates. It is made clear that the above interim directions will apply only to the petitioners, who approached this Court prior to the last date of the submission of the application, as per the notification and not for any other candidates. Insofar as the



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petitioners, who approached this Court after the last date of the application as per the notification, will be subject to the outcome of the order passed in the Writ Petitions and their applications shall be processed and proposed selection shall be kept in abeyance.”

4. Aggrieved by the aforesaid order, the petitioners approached the Hon'ble Supreme Court in SLP(C)Nos.6712, 6713 & 7378 of 2024.

5. The matters came before the Supreme Court on 19.08.2025, when the submission of the learned counsel appearing for the State was recorded to the effect that, on account of huge vacancies in the positions of ANM/VHN, their service being critical, the State was ready to accommodate the petitioners as per the old Rules. An affidavit was hence called from the respondents to be filed on or before 18.08.2025 supplying a copy thereof to the petitioner in advance and the matter directed to be listed on 19.08.2025.

6. An additional affidavit dated 18.08.2025 came to be filed by the Principal Secretary, Department of Health and Family Welfare of the State of Tamil Nadu. The State expressed its intention to put a quietus to the whole issue, as the primary consideration was for filling substantial vacancies that amounted to 3364 posts. These vacancies had the



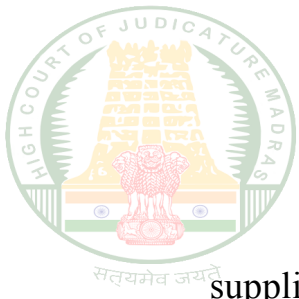
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consequence of affecting vital health care services across the State and it was hence proposed that those candidates, who had completed the Auxiliary Nursing Midwife course in Government Auxiliary Nursing Midwife Training Schools on or before 25.07.2023, which is the date on which the Special rules were amended would be considered for granting appointment for the posts of ANM/VHN as per the procedure that existed prior to the issuance of GO.Ms.254 dated 25.07.2023 impugned in the writ petitions.

7. At para 15, the State quantified the number of candidates who had studied in the Government Auxiliary Nursing Midwife Training Schools and completed the course, at 1230 candidates and stated that those candidates would be appointed to the vacant positions. The remaining 2134 vacancies (3364 - 1230) would be filled through direct recruitment through open advertisement by the Medical Services Recruitment Board (MSRB).

8. Mr.T.Ravindran, learned Advocate General, who appears for Mr.J.Ashok, learned Additional Government Pleader confirms that the list of 1230 candidates was not annexed to the affidavit and neither was it



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supplied in the course of hearing either to the Supreme Court or to the petitioners.

9. On the basis of the affidavit that was filed by the State, the Supreme Court disposed the matters on 19.08.2025. At para 4, the Bench states as follows:-

“4. During hearing, learned counsel appearing on behalf of the State has taken a very fair stand and inter alia submitted that the candidates who have passed out either from Government college or from private college, on the post of Village Health Nurse are equated after commencement of these Rules. It is further said that at present, 1240 candidates who passed out as Auxiliary Nurse Midwife from Government college be permitted to be appointed as per the decision of the Government. The stand has been fairly taken in the additional affidavit dated 18.08.2025 and is relevant, therefore, reproduced as thus:

"14. It is submitted that to deliver the above vital services to the public, the post of VHN/ANM is very much required. In the State of Tamil Nadu, the Government have sanctioned. 10,770 posts, which spread out throughout the State. Out of the above sanctioned posts, as on date, there are 3,364 (one out of three posts) posts vacant. It is pertinent to note that these vacancies arose due to the pending litigation for the last two years as W.P. (MD) No.25982 of 2023 and W.P. (MD) No.2786 of 2024 was preferred before the Hon'ble High Court on 24.10.2023. Due to these vacant posts, the services to the public are being severely affected.



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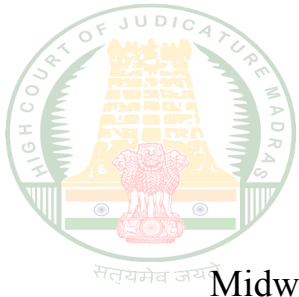
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15. *It is submitted that in order to put quietus to the whole issue and the pending litigation before the Hon'ble High Court and in view of huge number of vacancies i.e. 3,364 posts which are affecting vital healthcare services across the State of Tamil Nadu, it is proposed that the candidates who have completed the ANM course in the Government ANM Training Schools on or before 25.07.2023, i.e., before the date on which the Government amended the Special Rules for Tamil Nadu Public Health Subordinate Services for the post of VHN/ANM will be considered for giving appointment to them for the post of VHN/ANM as per the procedure existing prior to G.O.(Ms) No. 254 dated 25.07.2023. As on 25.07.2023, there are 1,230 candidates who have studied in the Government ANM Training Schools and completed the ANM Course. All the abovesaid 1,230 candidates would be appointed to the abovesaid posts, subject to the condition that for the remaining vacancies to the said post, will be filled up through the direct recruitment through open advertisement by the Medical Services Recruitment Board (MSRB).*

16. *In view of the facts and circumstances stated above, it is respectfully prayed that this Hon'ble Court may graciously be pleased to consider and pass such other orders as this Hon'ble Court may deem fit and proper and thus render justice."*

10. The position of the State is hence categoric, to the effect that they intended to appoint only those persons, who had completed Auxiliary Nursing Midwife course in Government Auxiliary Nursing

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Midwife Training Schools prior to 25.07.2023. That affidavit was supplied to the petitioners well in advance and they were represented before the Hon'ble Supreme Court in the proceedings before the Court. However, no objection has been filed seeking an expansion of the amicable resolution that was extended by the State to the effect that those candidates who had completed the course prior to 25.07.2023 in Government Auxiliary Nursing Midwife Training Schools, would be appointed.

11. While so, WMP.(MD)No.20118 of 2025 has now been moved before us on an urgent basis, and the prayer is to permit the petitioners numbering 8, to participate in the on-going counseling and direct the respondents to include their names in the counselling process.

12. The present position is that, out of 79 writ petitioners, 71 have been accommodated as per the affidavit filed, by the State before the Hon'ble Supreme Court since those 71, have completed the Auxiliary Nursing Midwife course in Government Auxiliary Nursing Midwife Training Schools prior to 25.07.2023. Eight petitioners, who are now before us have completed the course only in December 2023.



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13. We are of the considered view that the above fact ought to have been brought to the notice of the Hon'ble Supreme Court by the petitioners, and to this extent, the petitioners have missed the bus. We notice that the learned counsel who appears before us for the petitioners had also appeared before the Hon'ble Supreme Court and nothing prevented these petitioners from presenting these facts to the Court and obtaining necessary orders in this regard.

14. We had also sought a copy of the list of 1230 candidates (mentioned as 1240 in paragraph 4 of order dated 19.08.2025) and a list has been produced, albeit one that contains 1231 names. There is hence a discrepancy between the quantification of the eligible candidates. Though an explanation is tendered in regard to the one candidate, who was omitted, we do not wish to go into this aspect of the matter. The present eight petitioners in WMP(MD)No.20118 of 2025 are not part of that list.

15. The learned counsel for the petitioners would plead that they be granted an opportunity of seeking a clarification before the Hon'ble Supreme Court in this regard, and they may do so, if they are so



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inclined. In order to ensure that their candidature does not become redundant, should they be successful in seeking a clarification before the Hon'ble Supreme Court, they are permitted to attend the counselling session today, subject to they being eligible otherwise, and subject to any clarification that may be obtained in their favour by the Hon'ble Supreme Court prior to announcement of the results by the respondents.

16. The challenge to Government Order dated 25.07.2023 does not survive any longer in light of order of the Hon'ble Supreme Court dated 19.08.2025 and the same is hence dismissed. WMP(MD)No.20118 of 2025 stands disposed in terms of this order. All other miscellaneous petitions are dismissed. No costs.

[A.S.M.J.] & [C.K.J.,]
17.09.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
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Note: Issue Order Copy on 17.09.2025.



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1. The Principal Secretary,
Department of Health and Family Welfare,
Fort. St. George,
Chennai - 600 009.
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O/o.The Director of Public Health and Preventive Medicine,
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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Common Order made in
W.P.(MD)No.25982 of 2023 & 2786 of 2024

Dated:
17.09.2025