



W.P. No.731/2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.01.2026

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 731 OF 2026

AND

W.M.P. NOS. 900, 902, 904 & 905 OF 2026

1. B.Krishnaveni
2. M. Krishnammal
3. E.Jayanthi
4. Kumutha. P
5. R Mohanambal
6. P.Nithya
7. Kavitha
8. V. Poornima
9. G.Gomathi
10. M Thilagam
11. Jeyalakshmi
12. P. Revathi
13. M. Dhanalakshmi
14. C. Anthony Amudha
15. E. Padma Priya
16. P. Deepa
17. A.N.Sudha
18. R. Meena
19. M. Rajeswari
20. B. Vasanthiradevi
21. S. Meerabai
22. M.Kasthuri
23. R Pramila
24. Kavitha
25. M.Lalitha



W.P. No.731/2026

26. S.Arockiakiruba
27. P. Arulmani
28. G.Sathiya
29. S.Krishnakumari
30. S. Deepa
31. K.Sumathi
32. J.Usha
33. R.Srivdevi
34. M.Sasirekha
35. V.Revathi
36. Rajakumari
37. R. Tamil Selvi
38. R.Deepa
39. S.Elavarasi
40. R. Chithira
41. K.Maheswari
42. M.Kasthuri
43. S.Saroja

.. Petitioners

- Vs -

The Medical Services Recruitment Board
rep. by its Member Secretary
7th Floor, DMS Building
359, Anna Salai, Teynampet
Chennai -600 006.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the impugned proceedings in Notification No.10/MRB/2023 dated 11.10.2023 and the subsequent Corrigendum -II dated 24.11.2025 consequential notification dated 03.01.2026 in CV INTIMATION No.10MRB/2023 on the file of the

2



W.P. No.731/2026

WEB COPY

respondent and quash the same as illegal and further directing the Respondent to formulate a uniform and rational selection criteria and consider the Petitioners for appointment to the post of Auxiliary Nurse Midwife/Village Health Nurse.

For Petitioners : Mr. V.Ragupathy

For Respondent : Ms. M.Sneha, Spl. Panel Counsel
Assisted by Mr. S.J.Mohd. Sathik

ORDER

Aggrieved by impugned notification dated 11.10.2023 and the subsequent corrigendum-II dated 24.11.2025 in and by which weightage given earlier for Higher Secondary qualification has been negated, the present writ petition has been filed by the petitioners.

2. Ms.Sneha, learned Special Panel Counsel for the respondent accepts notice on behalf of the respondent and has no objection to this Court taking up the main writ petition itself for final disposal.

3. The grievance espoused by the petitioners through the present petition is that they have applied for the post of Auxiliary Nurse Midwife / Village Health



WEB COPY

Nurse pursuant to the notification dated 11.10.2023 in which the procedure for selection was to the effect that weightage for marks obtained in the Diploma, HSC (12th standard) and SSLC (10th standard) will be given in the ratio of 50% : 30: 20%. However, vide the corrigendum dated 24.11.2025, the procedure for selection was modified to the effect that weightage for marks obtained in Diploma and SSLC (10th standard) alone will be considered and given weightage in the ratio 60% : 40% and there would be no weightage for the marks obtained in HSC (12th standard) and the said modification is assailed by the petitioners through the present petition by submitting that the respondent has not formulated a uniform and rational selection criteria for consideration for filling up the aforesaid post, which, if not interfered with, would be detrimental, thereby breeding inequality.

4. Learned counsel appearing for the petitioners submit that initially the notification prescribed a ratio of 50% : 30% : 20% as being the weightage for the marks obtained by the candidates in the SSLC, HSC and Diploma courses. However, by Corrigendum-II dated 24.11.2025, without any rhyme or reason and without any rational, the ratio in granting weightage of marks for HSC, which was



W.P. No.731/2026

WEB COPY

earlier fixed at 30% was unilaterally modified and the weightage of marks has been assigned in the ratio of 40% : 60% for marks obtained in SSLC and Diploma and there is total non-consideration for the marks obtained in HSC, which gravely prejudices the persons, who have underwent the course and obtained marks in HSC, which is a higher qualification, which requires to be taken into consideration when considering the candidature of the persons, who have applied pursuant to the said notification.

5. It is the submission of the learned counsel that the conditions prescribed/qualifications prescribed and weightage granted should have a rational and it should breed equality. However, the non-consideration of marks obtained in HSC by persons, who have completed HSC, causes prejudice and hardship to the petitioners and other persons similarly placed and acts in detriment to their interests and, therefore, the said Corrigendum-II deserves to be quashed.

6. In support of his contention, learned counsel brought to the notice of this Court that the Madurai Bench of this Court, in W.P. (MD) No.313/2026



W.P. No.731/2026

WEB COPY

pointing out that similar writ petition has been entertained and interim relief was granted, allowed the petitioners therein to participate in the counselling and the respondent was directed to justify their stand in issuing the Corrigendum-II. The present petitioners are also similarly placed and the benefit of the said order has to be passed on to them as well. Further, it is prayed that there is a clear element of inequality in non-consideration of marks obtained in HSC, which was available in the initial notification dated 11.10.2023 and, therefore, this Court may quash the notification and corrigendum-II.

7. Learned Special Panel Counsel appearing for the respondent countered the above submissions by submitting that non-consideration of the marks obtained in HSC would in no way be detrimental to the petitioners, as a level playing field is created by modifying the selection process by not considering the marks in HSC for the reason that a person after completing SSLC can directly pursue Diploma and, thereby, giving marks for HSC only will bring in an element of inequality and considering the said aspect only, the Corrigendum-II has been issued and the said corrigendum does not suffer from any infirmity, irrationality,



W.P. No.731/2026

WEB COPY

arbitrariness or perversity and, therefore, the same does not require any interference at the hands of this Court.

8. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

9. The case has a chequered history with the recruitment of Auxilary Nurse Midwife / Village Health Nurse travelling from this Court to the Supreme Court and has been continually being adjudicated by this Court on various occasions, including the matter, presently before the Madurai Bench of this court, where an interim direction has been given permitting the petitioners therein to participate in the counselling process.

10. The only issue that requires the consideration of this Court is whether the contention of the petitioner that the present Corrigendum-II dated 24.11.2025 breeds inequality and causes prejudice to the petitioners and other similarly placed person.



WEB COPY

11. Though the interim direction of the Madurai Bench has been brought to the notice of this court, yet that would not bar this Court from proceeding to analyse the issue on merits as the said order is only an interim direction and not binding on this court, as it has not been adjudged and decided on the basis of the merits of the contentions raised; rather, it is merely a direction to safeguard the interests of both sides in the interregnum when the *lis* is pending before this Court. Therefore, this Court proceeds to decide the issue on the basis of the materials and contentions placed before it.

12. Before venturing into the merits of the issue, the law on the manner in which the recruitment process is to be taken up, when such recruitment is by way of direct recruitment, requires consideration.

13. In ***Chandigarh Administration thro' The Director, Public Instructions (Colleges), - Vs – Usha Kheterpal Waie & Ors. (2011 (9) SCC 645)*** the Apex Court held that it is within the domain of the rule making authority or the appointing



authority to prescribe the mode of selection and minimum qualification for retirement. In this context, the Apex Court held thus :-

“22. It is now well settled that it is for the rule-making authority or the appointing authority to prescribe the mode of selection and minimum qualification for any recruitment. Courts and tribunals can neither prescribe the qualifications nor entrench upon the power of the concerned authority so long as the qualifications prescribed by the employer is reasonably relevant and has a rational nexus with the functions and duties attached to the post and are not violative of any provision of Constitution, statute and Rules. [See J.Rangaswamy vs. Government of Andhra Pradesh - 1990 (1) SCC 288 and P.U. Joshi vs. Accountant General - 2003 (2) SCC 632]. In the absence of any rules, under Article 309 or Statute, the appellant had the power to appoint under its general power of administration and prescribe such eligibility criteria as it is considered to be necessary and reasonable.”

(Emphasis Supplied)

14. Similar view has been adumbrated by the Apex Court as early as in the decision in ***P.U.Joshi & Ors. – Vs – Accountant General, Ahmedabad & Ors. (2003 (2) SCC 632)***, wherein, the Apex Court held thus :-



WEB COPY



W.P. No.731/2026

“10. We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is



no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a Government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.”

(Emphasis Supplied)

15. The scope of judicial review in matters relating review of Governmental policy has been discussed by the Apex Court in ***Directorate of Film Festivals & Ors. – Vs – Gaurav Ashwin Jain & Ors. (2007 (4) SCC 737)***, wherein the Supreme Court held thus :-

“16. The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy. Nor are courts Advisors to the executive on matters of policy which the executive is entitled to formulate. The scope of judicial review when examining a policy of the government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with



policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review. [vide : *Asif Hameed v. State of J&K* MANU/SC/0036/1989 : [1989]3SCR19 ; *Shri Sitaram Sugar Co. Ltd. v. Union of India* MANU/SC/0249/1990 : - [1990]1SCR909 ; *Khoday Distilleries v. State of Karnataka* MANU/SC/0242/1996 : AIR1996SC911 , *Balco Employees Union v. Union of India* MANU/SC/0779/2001 : (2002)ILLJ550SC , *State of Orissa v. Gopinath Dash* MANU/SC/2387/2005 : AIR2006SC651 and *Akhil Bharat Goseva Sangh v. State of Andhra Pradesh* MANU/SC/1795/2006 : (2006)4SCC162].”

(Emphasis Supplied)

16. Recently, in ***The State of Maharashtra – Vs – Bhagwan & Ors.*** (MANU/SC/0025/2022 :: 2022 Live Law (SC) 28), the right of the employees of autonomous bodies to claim service benefits on par with Government employees was dealt with, wherein the Apex Court held thus :-

“10.2 In the case of ***T.M. Sampath and Ors. v. Secretary, Ministry of Water Resources and Ors. (supra)***, the employees of National Water Development Agency (NWDA), an autonomous body under the aegis and control of Ministry of Water Resources claimed the pensionary benefits on par with



WEB COPY



W.P. No.731/2026

the Central Government employees. Refusing to allow such pensionary benefits to the employees of NWDA on par with the Central Government employees, in paragraphs 16 and 17, it was observed and held as under:

“16. On the issue of parity between the employees of NWDA and Central Government employees, even if it is assumed that the 1982 Rules did not exist or were not applicable on the date of the OM i.e. 1-5-1987, the relevant date of parity, the principle of parity cannot be applicable to the employees of NWDA. NWDA cannot be treated as an instrumentality of the State Under Article 12 of the Constitution merely on the basis that its funds are granted by the Central Government. In Zee Telefilms Ltd. v. Union of India [MANU/SC/0074/2005 : (2005) 4 SCC 649], it was held by this Court that the autonomous bodies having some nexus with the Government by itself would not bring them within the sweep of the expression "State" and each case must be determined on its own merits. Thus, the plea of the employees of NWDA to be treated on a par with their counterparts in the Central Government Under Sub-rule (6)(iv) of Rule 209 of the General Financial Rules, merely on the basis of funding is not applicable.””



WEB COPY

17. Therefore, from the aforesaid decisions, there could be no quarrel with the fact that insofar as recruitment is concerned, based on the rules, which is in force, it is within the domain of the rule-making authority/appointing authority to decide the manner in which the process of recruitment is to be taken up and the posts filled. Further, the scope of judicial review in such matters is very limited and unless arbitrariness and perversity is shown, the Courts shall not enter into the said controversy by exercising its powers of judicial review.

18. Initially, vide notification dated 11.10.2023, educational qualification was prescribed under clause 6B, which provides that the candidates must have passed Higher Secondary (12th Standard) and must have undergone 2 years Multi-Purpose Health Workers training Course / Auxiliary Nurse Midwifery Training course awarded by the Director of Public Health and Preventive Medicine. However, persons, who have passed SSCL (10th standard) and undergone the said course for a period of 18 months prior to 15.11.2012 would also be eligible.

19. Further, vide clause 7 of the notification dated 11.10.2023, procedure for selection was fixed by granting weightage to the marks obtained in the



Diploma, HSC and SSLC in the ratio of 50% : 30% : 20%. However, vide corrigendum-II dated 24.11.2025, weightage to the marks obtained in HSC was withdrawn and weightage to the marks obtained in Diploma and SSLC alone in the ratio of 60% : 40% was fixed. The above fixation of weightage of marks, according to the petitioners, is perverse, irrational, arbitrary and illegal and it deserves to be set aside and direction be issued to fix a rational and uniform method for selection of the candidates for the aforesaid post.

20. Is the fixation of weightage of marks in the aforesaid ratio, initially fixed and also modified through Corrigendum-II perverse, irrational, unreasonable and arbitrary and breeds inequality deserves interference at the hands of this Court.

21. Perversity, unreasonableness and arbitrariness will definitely breed inequality and aversion of inequality is a constitutional guarantee under Article 14. There could be no doubt that the Constitutional Courts are the custodian of the constitutional guarantees. In this backdrop, an analysis of the materials reveal that through the Corrigendum-II dated 24.11.2025, the weightage marks



WEB COPY

which were given to HSC (12th standard) was modified and done away with and the ratio was fixed between the marks obtained in Diploma and SSSC (10th standard).

22. In this regard, an advert to the educational qualifications in the notification of the year 2023 reveal that two situations are enumerated, where a candidate has passed HSC which is after 2012 and has undergone two years of training and where a candidate has only passed SSLC prior to 2012, but has undergone 18 months of multi-purpose training. Both the candidates are held to be fit for consideration for the post.

23. It is to be noted that the base qualification could very well be inferred to be SSLC (10th Standard), as only upon completion of SSLC (10th Standard), a person even becomes eligible to compete in HSC (12th standard) exams or for that matter to undergo a Diploma Course. Therefore, to undergo a Diploma course, a pass in SSLC is sufficient and there is no necessity for a person to complete HSC. Therefore, even if persons had obtained HSC qualification, a Diploma/certificate



W.P. No.731/2026

WEB COPY

is a must for the said post, which carries more weightage than the marks, which were initially allotted for HSC/SSLC.

24. Considering the fact that the base qualification is SSLC for undergoing a Diploma course/Certificate Course and HSC is not mandatory for undergoing a Diploma course/Certificate Course and giving any weightage marks for HSC would be nothing but treating the persons unequally, viz., a person who has completed HSC and a person, who has completed only SSLC, though both have completed a Diploma course/ Certificate course, which otherwise would breed inequality, the Corrigendum-II had come to be issued in which the weightage marks, which was given for having HSC qualification at 30% was done away with by distributing the same between the Diploma course/Certificate course and SSLC at 10% and 20% respectively.

25. All persons, to do a Diploma/Certificate course, which is mandatory, have to complete SSLC (10th standard) and without undergoing HSC (12th Standard), Diploma/Certificate course could be undergone, to create a level playing field between the various persons, who are competing for the said post,



W.P. No.731/2026

WEB COPY

and to treat everyone equally by giving weightage in equal proportion, the Corrigendum-II had come to be issued.

26. Further, one important aspect, which would also be necessary to be adverted while considering the decision making process which would have led to the doing away with HSC (12th Standard) is that while all individuals, who do SSLC undergo the same syllabus/curriculum in a particular Board, but when the individuals step into HSC (12th Standard), they undergo different syllabus/curriculum depending on the group, which is taken by the said individuals and obtaining marks in the respective groups cannot be treated equally, as persons in science stream would be guided by a different set of award of marks while persons in the accounts stream would be guided by a different set of award of marks and both cannot be correlated with each other nor could any normalisation or standardisation be adopted for standardising their marks. Therefore, giving weightage for the marks obtained in HSC (12th standard) would definitely breed inequality among persons, who have completed HSC (12th standard) because of differing syllabus/stream and award of marks and,



WEB COPY

therefore, the said inequality would definitely have an adverse impact on the outcome, while computing the overall weightage.

27. However, if the base is fixed at SSLC (10th standard) and persons are awarded weightage for the marks obtained by them in SSLC (10th standard) and, thereafter, for the Diploma/Certificate course done by them at 40% and 60% respectively, all the individuals would be equally placed as all persons would have completed both SSLC and Diploma/Certificate course for being considered for the said position and there would be no element of inequality while considering the two sets of persons and the consideration would be in complete consonance with the constitutional guarantee provided under Article 14, as the marks obtained in SSLC (10th standard) and Diploma/Certificate Course by all the individuals, on which weightage is given, would be the determining factor in deciding the overall seniority and merit of the candidates and there would be no perpetuation of inequality. Therefore, the corrigendum-II dated 24.11.2025 in and by which weightage of marks given to HSC was done away with cannot be found fault with as it provides a uniform, clear and rational method for determination of overall seniority on the basis of the merit of the individual on



W.P. No.731/2026

WEB COPY

the basis of the weightage of marks obtained by them in SSLC (10th standard) and Diploma/Certificate course.

28. In the present case, the rule-making authority/appointing authority has prescribed the mode of selection and minimum qualification for recruitment and also the manner of selection and the ratio in the award of weightage of marks. Courts and tribunals can neither prescribe the qualifications nor entrench upon the power of the concerned authority so long as the qualifications prescribed by the employer is reasonably relevant and has a rational nexus with the functions and duties attached to the post and are not violative of any provision of Constitution, statute and Rules.

29. In the present case, the petitioners have not pleaded any irrationality or unreasonableness in the prescription made by the appointing authority/rule making authority. The grievance of the petitioners is only that what was initially available has been modified by the appointing authority/rule making authority by issuance of the corrigendum-II. The said act of modification of the manner in which selection would be made and weightage of marks would be awarded, so



W.P. No.731/2026

WEB COPY

long as there is no perversity or unreasonableness pointed out by the petitioners, cannot be the matter of judicial intervention by this Court.

30. Merely because the petitioners have completed HSC (12th standard) and previously a portion of the percentage of marks was awarded to HSC certificate, the petitioners cannot plead that the same system should be followed. It is always within the realm of the appointing authority to decide on the pattern in which the selection would be made and marks would be awarded and so long as there is no perversity, irrationality, arbitrariness and unreasonableness, the Courts shall not, under the guise of judicial review, visit the said selection process, which has been the consistent ratio laid down by the Courts, as evidenced through the decisions referred to supra. Therefore, considering all the aforesaid aspects, if the respondent has issued the above corrigendum-II, the same cannot be said to be perverse or arbitrary warranting interference at the hands of this Court.

31. For the reasons aforesaid, there are no merits in the writ petition and, accordingly, the same stands dismissed. However, the respondent is directed to



W.P. No.731/2026

WEB COPY

communicate the outcome of the application submitted by the respective petitioners upon scrutiny for the knowledge of the petitioners and also to enable the petitioners to proceed in accordance with law. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

08.01.2026

Index : Yes / No

NHS/GLN

Note to Office :

**Issue order copy on
or before 12.01.2026**



W.P. No.731/2026

WEB COPY

To
The Member Secretary
Medical Services Recruitment Board
7th Floor, DMS Building
359, Anna Salai, Teynampet
Chennai -600 006.



WEB COPY



W.P. No.731/2026

M.DHANDAPANI J.

NHS/GLN

W.P. NO. 731 OF 2026

08.01.2026