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WP No. 11160 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 11160 of 2026

and

W.M.P.Nos.12145, 12148 and 12151 of 2026

1. G.Sathiyamoorthy
2. G.Pragadhambal

..Petitioner(s)

Vs

1. The Additional Chief Secretary to
Government,
State of Tamilnadu,
Health and Family Welfare (C2)
Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Medical Education and
Research, State of Tamilnadu,
Kilpauk,
Chennai - 600 010.

..Respondent(s)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare that the impugned G.O.Ms.No.262, Health and Family Welfare (C2) Department dated 13.09.2024 by the 1st respondent as ultra vires and call for records in relates to the promotion panel order passed by the 2nd respondent through his proceedings in Ref No.14986/E5/2/2025 Dated 03.02.2026 Promotional panel for appointment to the post of Laboratory Technician



Grade-II by recruitment by transfer from the Laboratory Technician Grade-III and quash the same and consequently direct the respondents to appoint candidates who possessed Diploma in Medical Laboratory Technician Grade-II.

For Petitioner(s): Mr.M.Gangatharan

For Respondent(s): Mr.M.Bindran,
Additional Government Pleader

ORDER

The petitioners have approached this Court to quash the orders of the 1st respondent to declare G.O.Ms.No.262, Health and Family Welfare (C2) Department dated 13.09.2024 as ultra vires and consequently to call for the records relating to the promotion order passed by the 2nd respondent through his proceedings dated 03.02.2026 appointing candidates to the post of Laboratory Technician Grade-III by way of recruitment by transfer from the Laboratory Technician Grade-III and quash the same and direct the respondents to appoint candidates who possess a Diploma in Medical Laboratory Technology to the post of Laboratory Technician Grade-II.



2. The petitioners have completed two-year Diploma in Medical Laboratory Technology (D.M.L.T.) and claim that they are eligible to be appointed to the post of Laboratory Technician Grade-II by way of direct recruitment. As per the Tamil Nadu Medical Subordinate Service Rules, the post of Laboratory Technician Grade-II was filled either by direct recruitment from candidates who had completed the two-year D.M.L.T. course or by recruitment by transfer from the post of Laboratory Technician Grade-III. Subsequently, the Government had issued G.O.Ms.No.262, Health and Family Welfare (C2) Department dated 13.09.2024, prescribing that appointments to the post of Laboratory Technician Grade-II shall be made in the ratio of 1:2 between direct recruitment and recruitment by transfer from the post of Laboratory Technician Grade-III. Thereafter, the second respondent, by proceedings dated 03.02.2026, had issued a promotional panel for appointment to the post of Laboratory Technician Grade-II by recruitment by transfer from the post of Laboratory Technician Grade-III for 122 candidates. According to the petitioners, the said action has adversely affected the opportunities of candidates who have completed the two-year D.M.L.T. course. Hence, the present writ petition.



3. Heard the learned counsels on either side and perused the materials available on record.

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4. The petitioners base their claim on G.O.Ms.No.262, Health and Family Welfare (C2) Department, dated 13.09.2024. The said Government Order was the subject matter of challenge before the Division Bench of the Madurai Bench of this Court in W.P.(MD) Nos.23388 and 23389 of 2024 and 32704 of 2025, wherein the Bench observed that the said Government Order had brought about a radical change by prescribing that for recruitment by transfer from the post of Laboratory Technician Grade-III, the candidate must be an approved professional with not less than three years of experience in the said post. The Government Order also introduced a proviso fixing the ratio between direct recruitment and recruitment by transfer. After considering the said Government Order, the Division Bench had observed as follows:

“19. Therefore, the apprehension expressed by the writ petitioners through the impugned G.O., nearly 30,000 candidates possessing DMLT qualification would be affected is not sustainable. Primarily for the reason entry into the Government service for those who



possess DMLT certificate is not a constitutional guarantee or a task feasible for the State to provide employment for all DMLT certificate holders. Secondly, the ratio fixed assures that the in house service candidates carrier prospect of promotion which is recognised in service jurisprudence.

20. Therefore, we find no irrational or mala fide in G.O(Ms)No.262 or the notification issued following G.O.Ms.No.262, hence, we have no hesitation to dismiss these writ petitions as devoid of merits.”

The Division Bench has thus upheld the validity of G.O.Ms.No.262 and dismissed the challenge to the same. In the present case, the challenge is once again to the very same Government Order, which has already been upheld by the Division Bench. Therefore, this Court finds no merit in the present writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRN



To

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Health and Family Welfare (C2) Department,
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