



W.P. No.13354/2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
02.04.2026	08.04.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 13354 OF 2026

AND

W.M.P. NO.14608 OF 2026

Dr. G.Arulvel

.. Petitioner

- Vs -

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Govt.
Health & Family Welfare Department
Secretariat, Fort St. George
Chennai 600 009.
2. The Director of Medical Education & Research
Kilpauk, Chennai 60 010.
3. The Addl. Director of Medical Education &
Research/Secretary, Selection Committee
O/o The Director of Medical Education
& Research, Kilpauk, Chennai 600 010.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying
this Court to issue a writ of mandamus directing the respondents to permit the
petitioner to participate in the counselling for admission to Super Specialty



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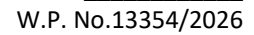
Course in Tamil Nadu Medical Service as in-service candidate for the Session 2025-2026 by accepting the application for Round-II counselling notified by the 3rd respondent by Circular dated 30.03.2026 by reckoning the services of the petitioner in the sanctioned post on temporary appointment under Section 17 (1) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 as eligible qualification as per Clause 8 (a) of Super Specialty Course Prospectus for 2025-2026 in consideration of representation submitted by the petitioner dated 30.03.2026 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr. G.Sankaran, SC, for
Mr. S.Nedunchezhiyan

For Respondents : Ms. M.Sneha, Spl. Counsel

ORDER

Direction is sought for from this Court in the nature of Mandamus through this writ petition for a direction to the respondents to permit the petitioner to participate in the counselling for admission to Super Specialty Course in Tamil Nadu Medical Service as in-service candidate for the Session 2025-2026 by accepting the application of the petitioner and reckoning the service of the petitioner rendered in a sanctioned post on temporary appointment u/s 17 (1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 since the year 2021.



3. It is further averment of the petitioner that for the purpose of granting regularisation of Medical Officers, who have been appointed on temporary basis, G.O. (D) No.1016, Health and Family Welfare Department dated has been issued, by which the persons who were temporarily appointed as Medical Officers, upon qualifying themselves in the Special Qualifying examination conducted by the Tamil Nadu Public Service Commission, would have their services regularised and, accordingly, similar Government orders were passed in the year 2008, 2009, 2012



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and 2016 for the conduct of Special Qualifying Examinations (for short 'SQE') for regularising the services of temporarily appointed Medical Officers. Even in the year 2020, Government Order in G.O. Ms. No.571 dated 24.12.2020 was issued and orders of regularisation have been passed regularising the services of such of the Assistant Surgeons from the date of their initial appointment in the Tamil Nadu Medical Service.

4. It is the further averment of the petitioner that since the petitioner has completed the PG Medical course in the year 2020 and appointed on 6.9.2021 u/s 17 (1) of the Act, the petitioner is entitled for regularisation of service by clearing the SQE in accordance with the Government Orders.

5. It is the further case of the petitioner that as per proceedings dated 31.01.2022, for the first time, the Government has taken a policy decision that the appointment of Non-Service PG Assistant Surgeons towards bond service shall be made by way of Agreement u/s 19 (1) of the Act instead of u/s 17 (1) of the Act and, therefore, persons, who have cleared PG Medical course from the year 2022 were appointed on agreement basis u/s 19 (1) of the Act by making it clear that they would not be regarded as regular members of the service.



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6. It is the further case of the petitioner that on the representation of the Medical Officers, who were appointed on temporary basis, like the petitioner, in the sanctioned post u/s 17 (1) of the Act, G.O. Ms. No.436 dated 8.10.2025 had come to be issued to conduct SQE to regularise the service of such of the persons in the post of Assistant Surgeons, but with a caveat that such Medical Officers are required to give an undertaking that they will not demand regularisation of service from the date of their temporary appointment under bond obligation. It is the further case of the petitioner that due to the pressure exerted, persons, including the petitioner were forced to give the said undertaking on compulsion.

7. It is the further averment of the petitioner that SQE was conducted on 31.1.2026 and the petitioner had participated in the examination and had come out successful and an order of appointment was issued dated 6.3.2026 in the very same post in which the petitioner was working since the year 2021. Such an order runs contrary to G.O. Ms. No.436, which directs regularisation of service on clearing SQE.



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8. It is the further averment of the petitioner that he submitted an objection to the respondents against the said appointment order considering the petitioner as a new entrant instead of regularising the service of the petitioner in the post of Assistant Surgeon since September, 2021. In this backdrop the present writ petition has been filed to consider the petitioner for appointment to Super Specialty course through NEET-SS-2025 under service quota by considering the period of service rendered in the post of Assistant Surgeon from the date of initial appointment to satisfy the condition of prospectus for admission to Super Specialty course prescribing two years of continuous service as on 31.03.2026.

9. It is the further averment of the petitioner that in the written NEET-SS-2025, the petitioner had secured 298 marks and assigned with All India Rank of 3803 and on the basis of the marks obtained by the petitioner, the petitioner is well within the zone of consideration for admission into PG Medical Super Specialty course M.Ch in Surgical Gastroenterology under service candidate quota. It is the further averment of the petitioner that the first round of counselling was conducted on 16.3.2026 in which the petitioner was not permitted to submit his application on the ground that the petitioner has not completed two years of service and that the service into rendered by the



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petitioner from the date of appointment has not been taken consideration.

Inspite of the petitioner submitting his application, however, the petitioner was not permitted to complete the same due to non-consideration of the service of the petitioner rendered prior to 31.1.2026.

10. It is the further averment of the petitioner that inspite of vacancies available in M.Ch. Surgical Gastroenterology, which could not be filled up due to want of eligible in-service doctors in Government service, as the petitioner's candidature has not been considered, the petitioner submitted an application for consideration of his name for admission into Super Specialty course, which has not been considered till date.

11. It is the further averment of the petitioner that Round-2 counselling is scheduled on 30.03.2026 for which registration is fixed between 30.03.2026 to 02.04.2026 and Choice Filling/Locking is fixed on 3.4.2026 and 4.4.2026 and the result is to be published on 6.4.2026 and that fresh candidates, who have not registered in Round – 1 counselling are permitted to submit application, however, when the petitioner submitted his application, the same was not accepted which



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is ex-facie illegal, arbitrary as persons, who had not registered in Round – 1 were permitted to submit online application.

12. It is the specific case of the petitioner that his actual services rendered in the post of Assistant Surgeon in a sanctioned post in regular time scale of pay ought to have been taken into consideration as eligible service for the purpose of admission to Super Specialty course under service quota applicable for in-service doctors. In this regard, it is the averment of the petitioner that even as per the ratio laid down by the Apex Court, the service qualification is different and seniority is different and the services rendered prior to appointment in the new unit to be considered for the purpose of arriving at the qualifying service of the petitioner.

13. It is the further averment of the petitioner that clause 8 (a) of the prospectus only mandates that persons appointed in Tamil Medical Service should have completed two years of continuous service as on 31.03.2026 and it does not exclude the services rendered prior to the date of SQE in the sanctioned post and if the same is looked into properly, the petitioner has completed two years of continuous service as on 31.03.2026.



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14. It is the further averment of the petitioner that similarly placed persons, who cleared SQE in 2022, who were appointed in bond service in 2019 and cleared SQE in 2022 were permitted to participate in State Counselling for Super Specialty Course in December, 2022 and they have been allowed to join Super Specialty Course in the academic year 2022-2023 and the present stand taken by the Government is a clear discrimination against similarly placed persons, moreso, when they have been appointed in sanctioned substantive post in a time scale of pay. In spite of the representation submitted by the petitioner, as no orders have been passed on the same, having no other alternative and efficacious remedy, the present petition has been filed before this Court.

15. Learned senior counsel appearing for the petitioner submitted that when the petitioner has been appointed u/s 17 (1) of the Act in a substantive/sanctioned post in the time scale of pay, the said period of service rendered by such of those persons should be taken into consideration and the service regularised from such date as any appointment made in a sanctioned post in the time scale of pay has to be construed as qualifying service for all purposes.



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16. It is the further submission of the learned senior counsel that even otherwise, the Government Order in and by which the bond period would be treated as Agreement u/s 19 (1) of the Act in respect of persons, who were appointed in the year 2022, subsequent to the Government Order cannot be pressed against the petitioner to seek any undertaking as has been compulsorily sought from the petitioner and other similarly placed persons, when the petitioner was appointed in a substantive post u/s 17 (1) of the Act and, therefore, any such undertaking cannot form the basis to deny the legitimate claim for regularisation sought for by the petitioner.

17. It is the further submission of the learned senior counsel that even otherwise, clause 8 (a) of the prospectus does not exclude the services rendered prior to the date of SQE in a sanctioned post for consideration of the service for the purpose of qualifying service for applying for the Super Specialty course. That being the case, the petitioner having completed two years service in a sanctioned post in a time scale of pay is entitled for regularisation of service from the date on which the petitioner was appointed in the service. Therefore, he prays that the respondents be directed to permit the petitioner to participate in the



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counselling as otherwise it would cause grave prejudice and injury to the petitioner and prays for allowing the present petition.

18. Per contra, learned special counsel appearing for the respondents submitted that while the appointment of the petitioner temporarily as Assistant Surgeon u/s 17 (1) of the Act is not disputed, however, the said selection and appointment was neither through the Tamil Nadu Public Service Commission nor through Competitive Written Examination/Special Qualifying Examination by the Medical Recruitment Board. The selection and appointment of the petitioner was not through a process of selection and, therefore, the petitioner cannot seek regularisation of the said service for the purpose of his eligibility under clause 2 of the prospectus.

19. It is the further submission of the learned special counsel that only such of those persons, who have been selected and appointed either by TNPSC or by the Medical Services Recruitment Board through Competitive Written Examination/Special Qualifying Examination and had completed two years of continuous service as on 31.03.2026 alone are eligible to be treated as in-service candidates for getting the benefit of admission under the in-service category.



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Though the petitioner was appointed in the year 2021, but it was neither through TNPSC nor through MRB by following a selection process and, therefore, the said selection and appointment cannot seek for regularisation of the said services, inspite of the fact that such appointment is in a cadre post and in a time scale of pay.

20. It is therefore the submission of the learned special counsel that the respondents, rightly appreciating the aforesaid fact, has not granted the benefit of regularisation to the petitioners and persons similarly placed and the prospectus having clearly spelt out the persons, who would be eligible for applying under the in-service quota under clause 2 (b) and clause 8 (a) of the prospectus, the petitioner cannot derive any benefit out of the said appointment and, therefore, there is no merit in the representation submitted by the petitioner. Accordingly, she prays for dismissal of the writ petition.

21. In support of the aforesaid submission learned counsel placed reliance on the decision of this Court in ***Dr.Saravanan & Ors. – Vs – The Health Secretary & Ors. (W.P. Nos.5105 of 2021, etc. Batch – Dated 26.04.2022)*** and the interim



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order passed in the appeal in **W.A. Nos.2608/2022, etc. Batch – Dated 17.11.2023** against the said order.

22. 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.

23. The facts in the present case are not in dispute. The course completion of the petitioner and the appointment of the petitioner on 6.9.2021 is also not disputed. It is also not in dispute that the petitioner was appointed prior to the proceedings dated 31.01.2022 in and by which non-service PG Assistant Service towards bond service was to be made by agreement as per section 19 (1) of the Act instead of u/s 17 (1) of the Act. The application, as is the time tested ratio, would have prospective application and not retrospective application.

24. However, what is to be noted here is the fact that the petitioner is not under bond at the relevant point of time, viz., in the year 2026. However, his appointment is on the basis of Section 17 (1) of the Act. Therefore, his appointment under Section 17 (1) was made for the benefit of the public in the



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form of providing timely medical treatment at the hands of a trained medical practitioner. Therefore, the authority is endowed with the power of such appointment in exigent situations without following resorting to written competitive examination/SQE. Therefore, from the above, it would be evident that the Government had made the appointments in the interest of the public in a substantive cadre post, though in a temporary capacity, but that too on a time scale of pay.

25. True it is that vide G.O. Ms. No.436, for the purpose of conduct of SQE, the Government had sought for an undertaking from the persons, numbering 117, who have been appointed as temporary Assistant Surgeons, not to seek for regularisation of the period of service rendered by them under the temporary establishment. The petitioner, though has given the said undertaking, has explained that the same was given under coercion and also on the fear that his future prospects may be curtailed, if he refuses to give the said undertaking as he may not be permitted to write the SQE.

26. In this regard, a perusal of G.O. Ms. No.436, which forms the basis for conduct of SQE for persons like the petitioner, reveals that in para-2 of the



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Government Order the proposal of the Director of Public Health and Preventive Medicine was examined by the Government and it was decided to conduct SQE to the 117 Medical Officers appointed temporarily in Tamil Nadu Medical Service under the then Rule 10 (a)(i) of General Rules for Tamil Nadu State and Subordinate Services/Section 17 (1) of the Act for those persons who have completed their bond obligation and are continuing in the service on the date of issue of the said Government so as to regularly appoint them in the service.

27. The above portion of the Government Order clearly shows that the petitioner and persons similarly placed like the petitioner numbering 117 were appointed temporarily in Tamil Nadu Medical Service under the then Rule 10 (a) (i) of General Rules for Tamil Nadu State and Subordinate Services/Section 17 (1) of the Act and, therefore, the said persons having been appointed in a substantive post borne out of a cadre in the time scale of pay, necessarily the period of service rendered by them would have to be counted for the purpose of arriving at the qualifying service.

28. In this regard, the decision of the Full Bench of this Court in the case of **Govt. of Tamil Nadu & Ors. – Vs – R.Kaliyamoorthy (2019 (6) CTC 705)**, though



had occasion to deal with an issue relating to pension, in which the Tamil Nadu Pension Rules, vis-a-vis the Tamil Nadu State and Subordinate Service Rules were deliberated, however, the Full Bench had occasion to discuss the various types of appointments with particular reference to 10 (a)(i) appointments and in that context the Full Bench held as under :-

31. On behalf of the writ petitioners, it was contended that the writ petitioners have been temporarily employed with nomenclature such as daily wage employees, on consolidated pay or on honorarium basis etc. and as per Rule 11 (1) the service rendered by them in such temporary employment has to be counted along with the regular service in a cadre post. We wish to observe that the word temporary or officiating service employed in Rule 11 (1) is referable to 'temporary appointment' contemplated under Rule 10 (a) (i) of Tamil Nadu State and Subordinate Services Rules. On a reading of Rule 10 (a) (i), the wordings employed thereof are explicit and clear. A temporary appointment made to a government service is the one which is made in a post borne on the cadre of a service, class or category, meaning thereby such temporary appointment is made in an existing vacancy or notified vacancy. Rule 10 (a) (i) further makes the position clear that such appointment is permissible to be made by the appointing authority in case of emergency to fill the vacancy, in public interest. For such appointment, the appointing authority has to form an opinion that the procedural process for appointment to the cadre post will take some time and that



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such delay would prejudice the public interest. In such circumstances, Rule 10 (a) (i) can be invoked for appointing a candidate on temporary appointment in a sanctioned post. The service of such person, though appointed on temporary appointment can later be regularised by following the due procedure. The significance for invoking Rule 10 (a) (i), apart from public interest, is the existence of sanctioned post or vacancy in a post borne on the cadre of a service, class or category. Thus, Rule 10 (a) (i) cannot be invoked in the absence of an existing vacancy in a cadre post. Therefore, we are of the view that the temporary appointment mentioned in Rule 11 of the Pension Rules, in the realm of Service Law Jurisprudence, is referable only to Rule 10 (a) (i) of the Tamil Nadu State and Subordinate Services. The writ petitioners were however appointed on daily wage basis on payment of honorarium or consolidated pay and did not come within the fold of Rule 10 (a) (i) of the Tamil Nadu State and Subordinate Services Rules. Only the appointments made under the provisions of Rule 10 (a) (i) of the aforesaid Rules alone can be considered as temporary appointment. Therefore, the submissions made on behalf of the petitioners relying upon Rule 3 (a) has to be rejected. Admittedly the Writ Petitioners were not appointed invoking Rule 10(a)(i). “

(Emphasis Supplied)

29. A careful reading of the ratio laid down in the aforesaid decision clearly reveals that a *temporary appointment made to a government service is the one*



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*which is made in a post borne on the cadre of a service, class or category, meaning thereby such temporary appointment is made in an existing vacancy or notified vacancy and it further makes the position clear that such appointment is permissible to be made by the appointing authority in case of emergency to fill the vacancy, in public interest. **For such appointment, the appointing authority has to form an opinion that the procedural process for appointment to the cadre post will take some time and that such delay would prejudice the public interest.** In such circumstances, Rule 10 (a) (i) can be invoked for appointing a candidate on temporary appointment in a sanctioned post. The service of such person, though appointed on temporary appointment can later be regularised by following the due procedure. The significance for invoking Rule 10 (a) (i), apart from public interest, is the existence of sanctioned post or vacancy in a post borne on the cadre of a service, class or category. Thus, Rule 10 (a) (i) cannot be invoked in the absence of an existing vacancy in a cadre post.*

30. In the present case, it is not in dispute that the petitioner and the other similarly placed persons, numbering 117 persons, were appointed on temporary basis in a post borne out of a cadre as Assistant Surgeon by invoking Section 10 (a)(i) of the Tamil Nadu State and Subordinate Service Rules and



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Section 17 (1) of the Act and the authority upon forming an opinion that the procedural process for appointment to the cadre post through TNPSC and MRB will take some time and that such delay would prejudice the public interest, had, in exercise of the power vested under it had appointed the petitioner and other similarly placed persons as Assistant Surgeons in temporary vacancies, which are borne out of the cadre and, therefore, the appointment of such of the persons ought to be regularised by following the due procedure.

31. The Government, as the model employer, when utilises the services of the medical professionals like the petitioner, is bound to be a model employer and when the Government, in its discretion and power, had appointed the petitioner and the other similarly placed persons as Assistant Surgeons temporarily in the post borne out of a cadre, necessarily, such appointments have to be regularised in the manner known to law. The respondents cannot now come before this Court and plead that the petitioner and other similarly placed persons have not been appointed through a written competitive examination/SQE conducted either by TNPSC or MRB and, therefore, their service cannot be regularised, merely because the prospectus provides for such a condition.



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32. Clauses 2 (b) relating to eligibility criteria and clause 7 and 8 relating to in-service candidates are relevant for the purpose of considering the present case and for better understanding and appreciation, the same are quoted hereunder :-

"Eligibility Criteria :

2. (a) Candidates should be Citizens of India.

(b) Candidates must be in-service candidates of Tamil Nadu and their service should have been regularized (refer clause 7).

Service Candidates :

7. The candidates who are working in Tamil Nadu Government Institutions / Local bodies and appointed by the TNPSC / MRB through Competitive Written Examination /Special Qualifying Examination and appointed in Tamil Nadu Medical services should have completed minimum two years of continuous service as on 31.03.2026 are treated as service candidates and eligible to apply.

8. (a) The following categories of Medical Officers will be treated as Service Candidates for the purpose of allotment of seats:

Medical Officers selected by the Tamil Nadu Public Service Commission (TNPSC)/Medical Services Recruitment Board (MRB) through Competitive Written Examination /Special Qualifying Examination and appointed in Tamil Nadu Medical Services should have completed two years of continuous service, as on 31.03.2026.



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(b) Candidates who have been temporarily appointed but not qualified through Written Examination conducted by TNPSC / MRB and who have not completed two years of continuous service as on 31.03.2026 as per clause 8(a) of this prospectus, are not eligible to apply for Super Specialty Course 2025 session. If any applications received from such candidates or even if forwarded inadvertently by the competent authority that application will be summarily rejected.

(c) Competent authorities who are forwarding the applications of Government Medical officers have to issue a complete Service Particular Proforma including their leave and deputation in detail, if not the application will be summarily rejected.”

33. Clause 2 (a) clearly spells out that the candidates should be in-service of the State of Tamil Nadu and that their service should have been regularised as referenced in clause 7.

34. Clause 7 clearly stipulates that the candidates should be working in Tamil Nadu Government Institutions / Local bodies and that their appointment should be through TNPSC / MRB through Competitive Written Examination / Special Qualifying Examination and that such appointees in Tamil Nadu Medical



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services should have completed minimum two years of continuous service as on 31.03.2026.

35. Clause 8 (a) provides the prescription for considering a person as an in-service candidate for the purpose of allotment of seat. It provides that such selection should be either by TNPSC or MRB through Competitive Written Examination / Special Qualifying Examination and that the said persons should have completed two years of continuous service as on 31.03.2026. Clause 8 (b) further stipulates that persons, who have been temporarily appointed but not qualified through Written Examination conducted by TNPSC/MRB and who have not completed two years of continuous service as on 31.03.2026 as per clause 8 (a) are not eligible to apply.

36. Though the prospectus provides for the above clauses relating to the manner in which the two years of continuous service would be reckoned which is relatable to the manner in which the persons have been appointed, however, it is to be pointed out that the respondent cannot approbate and reprobate through its very own Government Orders and prospectus. When the Government have appointed the petitioner and persons similarly placed in the temporary vacancies



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borne out of the cadre in the time scale of pay by exercising its powers in the interest of public, the respondents cannot turn back at a later point of time and claim through the prospectus that such of the persons, who have been appointed temporarily and not through written competitive examination/SQE conducted by TNPSC/MRB would not be eligible to apply for the Super Specialty Course if they have not completed two years of service as contemplated under clause 8 (a).

37. When the respondent, in public interest, had thought it fit to do away with the process of selection and appointed the persons, including the petitioner temporarily in vacancies borne out of the cadre, necessarily, the interest of such serving employees ought to have been taken into consideration by the Government while issuing the Government Orders.

38. In this regard, it would be worthwhile to point out that vide the proceedings dated 31.01.2022, , the Government have done away with the appointment of Non-Service PG Assistant Surgeon towards bond service by their appointment in a sanctioned post u/s 17 (1) of the Act and instead, their services shall be through Agreement as per Section 19 (1) of the Conditions of Service Act. The interests of Non-Service PG Assistant Surgeons were taken care or by



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prospective application through the aforesaid proceedings and such being the case, the petitioner and other similarly placed persons, who have been rendering service to the public in their temporarily appointed post, borne out of a cadre, their interests ought to have been taken care of by the respondents. However, in detriment to their interests, inspite of the fact that they have been discharging their work in the temporary posts borne out of the cadre, the petitioner and other similarly placed persons have been excluded from the purview of consideration by not regularising their service inspite of the fact that they have completed the bond period and have been rendering further service under the Government.

39. Though the prospectus has fixed that only the persons, who have been appointed through a written competitive examination/SQE conducted by TNPSC/MRB and who have put in two years of continuous service prior to 31.03.2026 are entitled to participate in the selection process, however, the appointment of the petitioner and other similarly placed persons being in a temporary post borne out of a cadre, applying the ratio laid down in *Kaliyamoorthy case (supra)* the appointment of the petitioner and other similarly placed persons ought to be regularised from the date on which they were



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temporarily appointed in service in a substantive post borne out of the cadre.

Therefore, the petitioner and other similarly placed persons are entitled to have their services regularised from the date on which they were temporarily appointed in service in a substantive post borne out of the cadre and, they are entitled for submitting their application for the Super Specialty Course under the in-service candidates quota.

40. Further one other fact, which bolster the case of the petitioner is that the petitioner has been appointed temporarily u/s 17 (1) of the Act in a substantive post borne out of a cadre and joined service on 6.9.2021 at ESI Hospital, Ayanavaram. Upon the petitioner coming out successful in the SQE conducted by MRB on 31.01.2026, the petitioner has been issued with the order of appointment and posting dated 6.3.2026. What is curious to note here is the fact that before the appointment of the petitioner upon clearing the SQE, the services of the petitioner, which was on temporary basis has not been terminated but his services has been continued. There is no break in service between the temporary appointment u/s 17 (1) of the Act and the subsequent appointment upon clearing the SQE. Further, the petitioner has been appointed in the very same place where he was already working, that too without any break in service.



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Therefore, for all purposes, the appointment of the petitioner could only be inferred to be a continuous appointment and the earlier appointment on a temporary basis in the substantive post borne out of the cadre ought to be considered as qualified services for the purposes of the conditions laid down in the prospectus. The appointment of the petitioner prior to his clearing the SQE and after clearing the SQE has to be harmoniously construed and a harmonious construction would only lead to the logical conclusion that his appointment as a temporary Assistant Surgeon in a post borne out of the cadre would definitely have to be treated as qualifying service as there is no break in service of the petitioner.

41. For all the reasons aforesaid, the stand of the respondent not to consider the application of the petitioner in line with the conditions in the prospectus cannot be countenanced and the writ petition is allowed with the following directions :-

i) There shall be a direction to the respondents to consider the application of the petitioner and other similarly placed persons for admission to Super Specialty Course for the year 2025-2026 as in-service candidates by considering the period of service rendered by the petitioner and other similarly placed persons in the



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temporary post, which is borne out of the cadre in the time scale of pay as qualifying service for the purpose of fulfilment of the conditions laid down under clause 7 and 8 of the prospectus and their applications shall be received and considered for selection and admission to the Super Specialty Course for the year 2025-2026.

ii) The 1st respondent is further directed to receive the application from all eligible temporary Assistant Surgeons similar to the petitioner, who have been under temporary appointment in a post borne out of cadre and process their application for selection to the balance Super Specialty courses, which are yet to be filled up under the in-service candidates category and admit the said persons on the basis of their inter se merit in the relevant Super Specialty courses for the year 2025-2026.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.04.2026

Index : Yes / No

GLN

Note to Office :

**Issue order copy today
i.e., 08.04.2026**



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To

1. The Principal Secretary to Govt.
Health & Family Welfare Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
2. The Director of Medical Education & Research
Kilpauk, Chennai 60 010.
3. The Addl. Director of Medical Education &
Research/Secretary, Selection Committee
O/o The Director of Medical Education
& Research, Kilpauk, Chennai 600 010.



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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NO.13354 OF 2026**

**Pronounced on
08.04.2026**