



WP No. 31399 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 31399 of 2023 AND

WMP Nos. 31018, 31019 and 31020 OF 2023

1. Tamil Nadu Anganwadi Uzhiyar And
Uthaviyaar Sangam
Rep By Its General Secretary No 7 Elango
Salai Teynampet Chennai 600 018.

2. S.Amutha
3. K. Amutha
4. S. Muthuselvi
5. V. Subitha
6. M. Prema
7. S.Poongodi
8. M.Gunasundari
9. N. Mahalakshmi

..Petitioners

Vs

1. The Principal Secretary To Government Of
Tamil Nadu, The Department Of Public Health
And Family Welfare Secretariat, Fort St
George Chennai 600 009.
2. The State Of Tamil Nadu
Rep By Its Principal Secretary Department Of
Social Welfare And Nutritious Meal
Programme Secretariat Fort St. Goerge
Chennai 600 009.



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3. The Director Of Public Health And Preventive Medicine, Teynampet, Chennai 6
4. The Commissioner For Integrated Child Development Services Pammal Nallathambi Street, Tharamani Chennai 600 113
5. The Medical Service Recruitment Board
Rep By Its Secretary 7th Floor, Dms Building
359 Anna Salai Teynampet Chennai 600 006

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Declaration declaring that Amendment No. 1 amending sub-rule (a) to Rule 2 relating to the mode and method of recruitment for appointment to the post of Auxiliary Nurse Midwife/ Village Health Nurse in category 31 for the entries in Column (1) and corresponding entries in Column (2) thereof and substituting the same as , Auxiliary Nurse Midwife/ Village Health Nurse by Direct Recruitment , and Replacing the original mode and method of recruitment Auxiliary Nurse Midwife/ Village Health Nurse (i) by direct recruitment or (ii) by recruitment by transfer from any other services, and thereby deleting and doing away with the mode and method of recruitment by transfer and other services to the detriment of the in-service employees as arbitrary, illegal, irrational, unjust, unreasonable , un-constitutional and ultra-vires and violative of Articles 14 and 16 of the constitution and consequently direct the respondents to restore the earlier rule and to give appointment to the Anganwadi workers who have completed their Auxiliary Nursing Midwifery certificate course during 2019- 2021 and 2020- 2022 and who are now studying said course from 2022- 2024 and also for Anganwadi workers who would complete the said course hereafter under the method of recruitment by



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transfer from other service, by raising the maximum age by 2 years as per G.O. (Nilai) No. 91 , Human Resources Management dated 13.09.2021 and also by relaxing the maximum and upper age limit whenever required to the extent of delay in sending for training and to the extent of delay in making the appointments by way of appointment by transfer from other services (ii) declaring that the impugned Notification No. 10/ MRB/ 2023 dated 11.10.2023 issued by the 5th respondent in so far as showing the entire existing 2250 vacancies in the post of VHN exclusively for direct recruitment, based on the amended sub-rule 2(a) to Rule 2 of category 31 in Class- I of the Tamil Nadu Medical Subordinate service Ad- Hoc Rules Confining the recruitment to the post of Village Health Nurse only by direct recruitment and deleting the recruitment by transfer from other service, without earmarking and setting apart the number of vacancies required for appointment by transfer from other service to the Anganwadi Workers who have completed Auxiliary Nursing Midwifery certificate course during 2019- 2021 and 2020- 2022 as illegal and consequently direct the respondents to set apart the required number of vacancies in the post of VHN for the already trained Anganwadi workers and to confine the direct recruitment based on the above notification only for the balance and remaining vacancies

For Petitioners :

Mr.B.Bhagath Singh
for Mr.R.Krishnasamy

For Respondents :

Dr.R.Gouri
Government Counsel – for R1 to R4

Mr.L.Murugavel – for R5



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ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The issue raised in the present writ petition is no more *res integra*. Similar relief sought for in another writ petition in W.P.(MD) No.2786 of 2024 was dismissed by the Madurai Bench of Madras High Court. The said order was taken up by way of Special Leave Petition in S.L.P.No.6712 and 6713 of 2024 and the Hon'ble Supreme Court of India disposed of the appeal on 19.08.2025. The relevant portion of the order is extracted hereunder.

“ 5. In view of the fair stand as taken by the Government, we dispose of these special leave petitions granting liberty to the respondent-State to proceed further in terms of the affidavit. With an intent to put quietus to the entire litigation, we make it clear that henceforth, for the remaining posts of Village Health Nurse, the selection may be held by the Government following the Rules as issued by G.O.(Ms) No. 254 dated 25.07.2023 and the persons who have passed out the required course from Government college or from the private college may participate in the process of selection. In the facts, we believe that the Government shall do the needful at the earliest.

6. Accordingly, in view of the above, the special leave petitions are disposed of.

7. In view of the disposal of the special leave petitions in the above terms, parties are at liberty to approach the High Court to pass appropriate orders for disposing the pending writ petitions.

8. Pending applications, if any, shall stand disposed of.”



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2. In terms of the order of the Apex Court, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (N.S.,J.)
19-06-2026

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

KST

To

1. The Principal Secretary To Government Of Tamil Nadu, Department Of Public Health And Family Welfare Secretariat, Fort St George Chennai 600 009.
2. The State Of Tamil Nadu
Rep By Its Principal Secretary Department Of Social Welfare And Nutritious Meal Programme Secretariat Fort St. George Chennai 600 009.
3. The Director Of Public Health And Preventive Medicine Teynampet, Chennai 6
4. The Commissioner For Integrated Child Development Services Pammal Nallathambi Street, Tharamani Chennai 600 113
5. The Medical Service Recruitment Board
Rep By Its Secretary 7th Floor, Dms Building 359 Anna Salai Teynampet Chennai 600 006



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AND
N.SENTHILKUMAR J.**

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