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W.P.No.25247 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.25247 of 2017
and
W.M.P.No.26691 of 2017

1. Mr.M.Elumalai
S/o.T.Mottai.
2. Mrs.Vasanthi
W/o.Selvaraja
3. Mr.Sakthivel
S/o.P.Marichamy

... Petitioners

vs.

1. The Secretary
Medical and Health Department
St.George Fort
Chennai-600 009.
2. The Director
Medical and Rural Health Services
D.M.S.Campus
Thenampettai
Chennai-600 006.
3. The Director
Director of Medical Education
Poonthamalli High Road, Kilpauk
Chennai-10.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration, declaring (1) G.O.(Ms)No.379 dated 16.11.2009, (2) G.O.(Ms)No.272 dated 09.09.2014 and (3) G.O.(Ms)No.91 dated 29.02.2016 of first respondent are null and void.

For Petitioners : Mr.R.K.Gandhi
For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

The petitioners seek issuance of a writ of Declaration, declaring (i) G.O.(Ms) No.379 dated 16.11.2009, (ii) G.O.(Ms) No.272 dated 09.09.2014 and (iii) G.O.(Ms) No.91 dated 29.02.2016 issued by the first respondent as null and void. By the said Government Orders, appointment to the post of Category-IV Nursing Tutors (Grade-II) is sought to be made by transfer of Head Nurses or by direct recruitment in the ratio of 2:1.

2. The petitioners contend that the impugned Government Orders are contrary to the Special Rules for Tamil Nadu Medical Services, Branch-II – Nursing, which provide that appointment by transfer / promotion shall be the primary mode and that appointment by direct recruitment shall be resorted to only in cases where no qualified and suitable candidate is available for



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promotion or for appointment by transfer.

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3. The learned State Counsel placed on record G.O.(Ms) No.193, Health and Family Welfare [AA2] Department, dated 17.04.2020, whereby the rules were amended with retrospective effect from 14.10.2010, making provision for appointment to the said post either by way of transfer or by direct recruitment.

4. In the light of the above amendment, the impugned Government Orders stand diluted and nothing survives for further consideration.

5. Accordingly, the captioned writ petition stands disposed of, recording the stated position of the learned State Counsel. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

05.02.2026

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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HEMANT CHANDANGOUDAR, J.,

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To

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2. The Director
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D.M.S.Campus, Thenampettai
Chennai-600 006.
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