



WP(MD)No.1703 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2026

CORAM :

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**WP(MD)No.1703 of 2026
and WMP(MD) Nos.1341 and 1342 of 2026**

1. K.Lavanya,

2. Mariaselvi,

3. P.Meena,

4. Ramulakshmi,

5. B.Savitha,,

6. Sumathi,

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Department of Health and Family Welfare,
Fort. St. George,
Chennai-600 009..

2. The Director of Public Health and
Preventive Medicine,
O/o. the Director of Public Health and
Preventive Medicine,
Chennai 600 006..



WP(MD)No.1703 of 2026

3. The Medical Services Recruit,
Ment Board, Rep by its Member Secretary
7th Floor, Dms Building 359,
Anna Salai Teynampet Chennai 600 006..

4. Tamil Nadu Nurses and Midwives Council,
Rep by its Registrar
Jayaprakash Narayanan Maligai
Old No.140, New No.56
Santhome High Road
(Near Santhome Church)
Mylapore Chennai.

... Respondents

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a WRIT OF DECLARATION declaring that Amendment No. 1 in G.O.(Ms) No.254 Dated 25.07.2023 HEALTH AND FAMILY WELFARE (L1) DEPARTMENT 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, unconstitutional 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 Midwife Certificate course during 2019-21 and 2020-22 and who are now studying said course from 2022-24 and



WP(MD)No.1703 of 2026

also for Anganwadi workers who would complete the said course hereafter under the method of recruitment by 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 3rd respondent and the Corrigendum II dated 24.11.2025 in 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 Petitioner(s): Mr.M.Arumugam

For Respondent(s): Mr.M.Ajmal Khan

Additional Advocate General

assisted by Mr.S.P.Maharajan for R1, Rs and R4
special Government Pleader

Ms.B.Yasmin Begum for R3



WP(MD)No.1703 of 2026

ORDER

WEB COPY

(Order of the Court was made by Dr.**G.JAYACHANDRAN, J.**)

The writ petition is filed by Anganwadi Workers challenging G.O.Ms.No.254 dated 25.07.2023 Health and Family Welfare Department, which laid down recruitment Rules for the appointment to the post of Auxiliary Nursing Midwife/Village Health Nurse.

2. According to the petitioners, the said Government order is contrary to Articles 14 and 16 of the Constitution and to restore the earlier Rule of recruitment for the post of Village Health Nurses.

3. The learned counsel for the petitioners submitted that the petitioners have completed ANM training course in the Government training schools and eligible to be appointed as Village Health Nurses. When G.O.Ms.No.254 dated 25.07.2023 was challenged, the Government gave an undertaking before the Hon'ble Supreme Court that candidates, who have passed out either from Government College or private College and employed as a Village Health Nurses or equated after commencement of the Rules and 1240 candidates, who have passed out as Auxiliary Nursing Midwife from the Government College, will be permitted to be appointed as per the decision of the Government. The



WP(MD)No.1703 of 2026

cut off date of identifying the qualifying ANM was fixed as 25.07.2023, ie., the date of amendment. The case of the petitioners is that they got qualified subsequent to that cut off date and if they are not included in the list of candidates for the post, their future prospect will be affected.

4. The learned Additional Advocate General submitted that the State has taken a conscious decision to fix the date of G.O., as date of eligibility for absorbing the inhouse candidates for the post of Village Health Nurses and 1240 candidates were identified and they have already been absorbed and the remaining post recruitment process has been commenced and it is in the advanced stage. While so, challenge to G.O.Ms.No.254 dated 25.07.2023, which has reached finality by virtue of the order passed by the Hon'ble Supreme Court in *Deivanai.T. vs. the State of Tamil Nadu and others* dated 19.08.2025, cannot be reopened by way of writ of declaration. The learned Additional Advocate General would also submit that the writ petition, which culminated in SLP which was disposed on 19.08.2025, also came to be closed by the Division Bench of this Court on 17.09.2025 recording challenge to G.O.Ms.No.254 dated 25.07.2023 does not survive any longer in the light of the order passed by the Hon'ble Supreme Court on 19.08.2025.



WP(MD)No.1703 of 2026

5. The learned Additional Advocate General would submit that when there is no infraction to Article 14 or Article 16 of the Constitution of India, the policy decision of the Government in exercise of the power conferred under proviso to Article 209 of the Constitution cannot be assailed. This Court is in total agreement with the submission made by the learned Additional Advocate General and hence, dismiss the writ petition as devoid of merits. No costs. Consequently connected Miscellaneous Petitions are closed.

(G.J, J.) (N.S, J.)
23.01.2026

Index : Yes / No
Neutral Citation : Yes / No
RR

To

1. The Principal Secretary,
Department of Health and Family Welfare,
Fort. St. George, Chennai-600 009..

2. The Director of Public Health and Preventive Medicine,
O/o. the Director of Public Health and Preventive Medicine,
Chennai 600 006..

3. The Medical Services Recruitment Board,
Rep by its Member Secretary
7th Floor, Dms Building 359,
Anna Salai Teynampet Chennai 600 006..

4. The Registrar
Tamil Nadu Nurses and Midwives Council,
Jayaprakash Narayanan Maligai
Old No.140, New No.56 Santhome High Road
(Near Santhome Church) Mylapore Chennai.



WEB COPY



WP(MD)No.1703 of 2026

DR.G.JAYACHANDRAN, J
and
N.SENTHILKUMAR, J.

RR

Order made in
WP(MD)No.1703 of 2026

DATED : 23.01.2026