



W.P.(MD) No.6427 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.6427 of 2026
and
W.M.P.(MD) No.5367 of 2026

P.Selvakumar

... Petitioner

-VS-

1.The Principal Secretary to Government
Department of Health and Family Welfare
Fort St.George, Chennai

2.The Secretary to Government
Department of Finance
Fort St.George, Chennai

3.The Director of Medical Education
Kilpauk, Chennai

4.The Dean
Thoothukudi Government Medical College
Thoothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the order passed by the first respondent in Letter No.4975172/C2/2023-5, dated



W.P.(MD) No.6427 of 2026

WEB COPY

24.02.2025 and quash the same and further direct the respondent to regularise the service of the petitioner as Hospital Worker or in a post equal to Hospital Worker as per the appointment of the petitioner in G.O.Ms.No.135 of Health and Family Welfare Department, dated 12.04.2022, and proceedings of the fourth respondent dated 06.01.2023 in Ref.No.5142/E4/2018 with all backwages and monetary benefits from the date of initial appointment following G.O.Ms.No.325, Health and Family Worker Department dated 11.09.2017.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.M.Dinesh Hari Sudarsan
Counsel for the Government

ORDER

Heard Mr.T.S.Mohamed Mohideen, learned counsel for the petitioner and Mr.M.Dinesh Hari Sudarsan, learned counsel for the Government appearing for the respondents.

2. The petitioner herein, who was initially appointed as Hospital Worker, on 03.08.2005, in the fourth respondent – College, continued for a



W.P.(MD) No.6427 of 2026

WEB COPY

prolonged period on contract basis and thereafter, he made a claim for regularization of his service in the said post by approaching this Court by filing a writ petition unsuccessfully. Thereupon, the petitioner, along with certain other co-employees, filed a writ appeal in W.A.(MD) No.922 of 2019 and the said writ appeal came to be disposed of by the learned Division Bench of this Court *vide* Judgment dated 27.11.2019 by passing the following order:

“8.Considering these facts, we are inclined to direct the respondents to consider the case of the appellants by taking note of G.O.Ms.No.325, Health and Family Welfare(C1) Department, dated 11.09.2017. In the alternative, if the respondents are proposed to conduct a recruitment, then the appellants should be permitted to participate in the recruitment by relaxing the qualification with regard to age and a preferential consideration can be given, because they have been working in the same post in the same Medical College ever since 2005 onwards.

9.At the first instance, the first respondent is directed to consider the representation of the appellants by taking note of the G.O.Ms.No.325, Health and Family Welfare(C1) Department, dated 11.09.2017 and only if same is not visible of consideration, the second option given by this Court shall be complied with.”



W.P.(MD) No.6427 of 2026

WEB COPY

3. In terms of the above Judgment, the case of the petitioner herein was considered by the first respondent / Government and accordingly, issued a Government Order in G.O.(Ms) No.135, Health and Family Welfare (C2) Department, dated 12.04.2022. The operative portion of the said Government Order reads as under:

“9. The Government have examined the case carefully and independently along with the case records in the light of the Order dated 27.11.2019 of the Hon'ble Madurai Bench of Madras High Court and have decided to implement the orders of the Hon'ble Madurai Bench of Madras High Court, dated 27.11.2019 and accordingly direct the Director of Medical Education to comply with the second option given by the Hon'ble High Court by giving preferential consideration to TvI.R.S.Ravi, G.Balasubramanian for appointment as Drivers and P.Selvakumar for appointment as Hospital Worker, in relaxation of the rule relating to age in favour of them, and rule of reservation if need be, as a special case, in consultation with the Director of Medical and Rural Health Services / Director of Public Health and Preventive Medicine, wherever recruitment is possible, subject to other rules / orders in force and subject to the condition that this shall not stand as a precedent in future.”



W.P.(MD) No.6427 of 2026

WEB COPY

4. In terms of the above Government Order, the case of the petitioner was considered and accordingly, the petitioner was temporarily appointed as Hospital Worker by the fourth respondent, through proceedings bearing Ref.No.5142/E4/2018, dated 12.01.2023, in the pay scale of of Rs.4800-10000-1300GP (Pre revised) (Revised) Level-1 Rs.15700-58100 with usual allowances from the date of joining at the fourth respondent – College, under Rule 10(a)(i) of Tamil Nadu General Rules for the Tamil Nadu Basic Service. By virtue of the said appointment order dated 12.01.2023, the petitioner has been continuing in service on temporary basis.

5. It was thereafter, the petitioner made a claim for absorption of his service on permanent basis and the said claim was negated by the first respondent by passing the impugned proceedings bearing Letter No. 4975172/C2/2023-5, dated 24.02.2025. The operative portion of the impugned proceedings reads as under:

“3. In this connection, I am to state that the post of Hospital Worker and Sanitary Worker have been made into a unified category as Multipurpose Hospital Worker and ordered to be filled up by outsourcing vide G.O.(Ms). No.325, Health and Family Welfare department, dated



W.P.(MD) No.6427 of 2026

WEB COPY

20.11.2012, even before the issue of G.O. (Ms). No. 135, Health and Family Welfare department, dated 12.04.2022. As per the orders of the Hon'ble Court, the individual could be given preferential consideration only if recruitment is made to the post of Hospital Worker. Hence, in view of the above said Government Order, the post of Hospital Worker is an outsourcing post, and regular post of Hospital Worker is not in existence, recruitment to this post does not arise so as to give preferential consideration as per the orders issued in G.O.(Ms). No.135, Health and Family Welfare department, dated 12.04.2022.”

It is aggrieved by the said proceedings dated 24.02.2025, the petitioner is before this Court.

6. It is not in dispute that the petitioner was initially appointed as Hospital Worker on temporary basis in the year 2005. The claim made by the petitioner for regularization of his service has crystallized into the right to consider his case for regularization firstly and secondly for consideration of his case on priority basis as and when recruitment process takes place as directed by the learned Division Bench of this Court vide Judgment dated 27.11.2019 and the directions issued by the learned Division Bench of this Court in the said Judgment were given effect to by the Government by issuing a



W.P.(MD) No.6427 of 2026

WEB COPY

Government Order in G.O.Ms.No.135 of Health and Family Welfare (C2) Department, dated 12.04.2022.

7. From the perusal of the operative portion of the said Government Order, it is evident that the Government has chosen to exercise the alternative option given by the learned Division Bench of this Court and permitted for relaxation of the rule relating to the age in favour of the petitioner as well as the rule of reservation, if need be, as a special case. It was in terms of the said order, the petitioner was temporarily appointed as Hospital Worker on 12.01.2023 and he has been continuing as such. Now, the petitioner claims for permanent absorption in the said post.

8. As seen from the Judgment passed by the learned Division Bench, firstly the Government was directed to consider the case of the petitioner by taking note of the Government Order in G.O.(Ms) No.325, Health and Family Welfare (C1) Department, dated 11.09.2017 and in case if the same is found not feasible for consideration, then directed for consideration of the case of the petitioner for preferential treatment as and when recruitment process takes place. Now, the claim of the petitioner for permanent absorption has been negated by the first respondent on the ground that



W.P.(MD) No.6427 of 2026

WEB COPY

there was no regular recruitment for the post of Hospital Worker and that, in terms of the policy decision of the Government, the post of Hospital Worker is required to be filled up only through outsourcing. It is aggrieved by the same, the present writ petition is filed alleging that the same is in violation of the orders passed by the learned Division Bench of this Court.

9. This Court, after having carefully perused the Judgment dated 27.11.2019, passed by the learned Division Bench of this Court in W.A.(MD) No.920 of 2019 and etc. batch as well as the impugned proceedings issued by the first respondent, is unable to agree with the submissions made by the learned counsel for the petitioner.

10. The learned Division Bench of this Court, in the said Judgment, first directed the respondents therein to consider the claim of the petitioner for regularization in the light of the orders issued by the Government in G.O.(Ms) No.325, Health and Family Welfare (C1) Department, dated 11.09.2017, in favour of the similarly situated persons. If the same is not feasible to be considered, then alternative option was also given by the learned Division Bench. The Government, having taken note of the said Judgment passed by the learned Division Bench of this Court, issued G.O.(Ms)



W.P.(MD) No.6427 of 2026

WEB COMP

No.135, Health and Family Welfare (C2) Department, dated 12.04.2022, opting to extend the benefit of the alternative direction given by the learned Division Bench of this Court. The petitioner has not taken any steps to challenge the said order till date. In the absence of any challenge to the said Government Order in G.O.(Ms) No.135, Health and Family Welfare (C2) Department, dated 12.04.2022, the only right that is left with the petitioner is for the preferential treatment in case if any recruitment process takes place in respect of the post of Hospital Worker by relaxing the relevant rules, such as, upper age limit etc. When there is no recruitment process taken place for the subject post by virtue of the policy decision of the Government, the question of being given preference or relaxation etc., does not arise. That is what exactly stated in the impugned proceedings.

11. In the circumstances, this Court is thoroughly convinced that the impugned proceedings, under no circumstances, can be said to be in contravention of the orders passed by the learned Division Bench of this Court or G.O.(Ms) No.325, Health and Family Welfare (C1) Department, dated 11.09.2017. Hence, this Court does not find any error or illegality in the impugned proceedings issued by the first respondent.



W.P.(MD) No.6427 of 2026

WEB COPY

12. Accordingly, this writ petition is dismissed. However, during the course of hearing, it is brought to the notice of this Court that the fourth respondent, having issued the proceedings dated 12.01.2023 appointing the petitioner on temporary basis under Rule 10(a)(i) of Tamil Nadu General Rule for the Tamil Nadu Basic Service in the scale of pay of Rs.4800-10000-1300GP (Pre revised) (Revised) Level-1 Rs.15700-58100 with usual allowances, is not paying the said pay scale and the petitioner is being paid only a consolidated amount of Rs.10,000/- per month.

13. If that be the case, it is for the petitioner to agitate the said grievance independently. So long as the proceedings dated 12.01.2023 issued by the fourth respondent in favour of the petitioner is in force and the petitioner is continuing his service in terms of the said proceedings, it is obligatory on the part of the fourth respondent to give effect to the said proceedings dated 12.01.2023 and pay the petitioner in terms of the said proceedings.

14. In the light of the above, the petitioner is granted liberty to submit a representation before the fourth respondent claiming the benefits in terms of the appointment order dated 12.01.2023. In case if any such



W.P.(MD) No.6427 of 2026

WEB COPY

representation is submitted by the petitioner, the fourth respondent shall consider the same and pay the petitioner in terms of the appointment order dated 12.01.2023. The fourth respondent shall pass appropriate orders in this regard as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of the representation from the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

- 1.The Principal Secretary to Government,
Department of Health and Family Welfare,
Fort St.George, Chennai.
- 2.The Secretary to Government,
Department of Finance,
Fort St.George, Chennai.
- 3.The Director of Medical Education,
Kilpauk, Chennai.
- 4.The Dean,
Thoothukudi Government Medical College,
Thoothukudi District.



WEB COPY



W.P.(MD) No.6427 of 2026

MUMMINENI SUDHEER KUMAR, J.

krk

W.P.(MD) No.6427 of 2026
and
W.M.P.(MD) No.5367 of 2026

12.06.2026

Page 12 of 12