



*W.P(md)Nos.23388, 23389 of 2024
and W.P(MD)No.32704 of 2025*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On: 10.02.2026

Pronounced On: 25.02.2026

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

WP(MD)Nos.23388, 23389 of 2024 and 32704 of 2025

and

W.M.P(MD)Nos.25800 and 25801 of 2025

W.P(MD)No.23388 of 2024

R.Mariselvam

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare (C2) Department,
Fort St.George,
Chennai-600 009.

2.The Director of Medical Education(DME)
State of Tamil Nadu,
Kilpauk,
Chennai-600 010.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare that the impugned G.O(Ms)No.262, Health and Family Welfare(C2) Department, dated 13.09.2024 by the first respondent as null and void.



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For Petitioner :Mr.N.Mohamed Asif
For Respondents :Mr.J.Ashok, AGP

W.P(MD)No.23389 of 2024

G.Mariappan

... Petitioner

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For Petitioner :Mr.N.Mohamed Asif
For Respondents :Mr.J.Ashok, AGP

W.P(MD)No.32704 of 2025

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Vs.

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2.The Director of Medical Education(DME)
State of Tamil Nadu,
Kilpauk,
Chennai-600 010.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in connection the impugned Notification in Ref.No.14986/E5/2/2025 – 1 and 14986/ E5/2/2025 – 3 dated 03.11.2025 issued by the 2nd respondent and quash the same as null and void.

For Petitioner :Mr.S.Bharathy Kannan
For Respondents :Mr.J.Ashok, AGP

COMMON ORDER

(Judgment of the Court was delivered by DR.G.JAYACHANDRAN,J.)

Mariselvam, the petitioner in W.P(MD)Nos.23388 of 2024 and 32704 of 2025, is a Diploma Holder in Medical Lab Technicial Centre(DMLT). He got his Diploma in the year 2020. In W.P(MD)No.23388 of 2024, he has challenged the Government Order in G.O(Ms)No.262, Health and Family Welfare(C2) Department, dated 13.09.2024, claiming exclusive priority for DMLT candidates, while filling the post of Lab Technician Grade-II by Direct Recruitment instead of recruitment by transfer and promotion from the Lab Technician Grade-III. In W.P(MD)No.32704 of 2025, he has challenged the notification dated 03.11.2025 issued consequence to the amendment to the Service Rule pursuant to G.O.Ms.No.262, dated 13.09.2024.



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WEB COPY 2. The gist of the writ petitions and the relief sought are as under:

In the State of Tamil Nadu, the Lab Technician Grade-II posts are used to be filled up by the +2 Science Subject qualified candidates, with the educational qualification of Diploma in Medical Laboratory Technician (D.M.L.T). The duration of the said Diploma Course is 2 years. As per the provisions of Tamil Nadu Medical Subordinate Service Rules, the Lab Technician Grade-II post should be fixed as Entry Level Post in the Respondent Department and appointment should be made on the basis of the state seniority by comprising the Directors of DME, DMS, DMRHS and DPPM. On 05.02.2007, the 1st Respondent herein issued G.O.Ms.No.39, Health and Family Welfare (C2) Department and certain amendments have been made in the Special Rules for the Tamil Nadu Medical Subordinate Service, to the effect that the Laboratory Technician Grade-II should be filled up (i) By Direct Recruitment (or) (ii) By Recruitment Transfer from the post of Laboratory Assistant (Malaria) in the Tamil Nadu Public Health Service (Laboratory Technician Grade-II). After this amendment to the Service Rules, the vacancies for the post of Laboratory Technician Grade-II should be filled up by way of direct recruitment and if no such suitable persons are available for direct recruitment, then the department shall proceed with promotion by way of transfer from the post of Laboratory Assistant (Malaria) in the Tamil Nadu Public Health Subordinate Service.



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WEB COPY 3. At present nearly 30,000 persons with DMLT (2 Years Course) qualification are waiting for appointment in the Respondent Department by way of direct recruitment. The minimum age prescribed for entry into service is that they have to complete 18 years. Earlier the appointments alone district wise later through G.O. Ms. No. 22, Health and Family Welfare (C2) Department, dated 29.01.2010 and G.O.Ms.No.147, Health and Family Welfare (C2) Department, 18.03.2020 prescribed State-wide Employment Seniority for recruitment to the post of Laboratory Technician Grade-II, by way of direct recruitment instead of following District-wide Employment Seniority.

4. In the said scenario on 13.09.2024, the 1st Respondent issued the impugned G.O. (Ms.) No. 262, Health and Family Welfare (C2) Department and amended the Special Rules for the Tamil Nadu, Subordinate Services which permitted the Directors of DME, DMS, DMRHS, DPHPM, to fill up the vacancies for the post of Lab Technician Grade-II by way of recruitment transfer and promotion from the post of Lab Technician Grade-III with CMLT qualification instead of following the 1st Method of Recruitment viz, Direct Recruitment.



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WEB COPY 5.Hence, W.P(MD)No.23388 of 2024 for the Writ of Declaration to declare the impugned G.O(Ms)No.262, Health and Family Welfare (C2) Department, dated 13.09.2024 as null and void. W.P(MD)No.32704 of 2025 is another writ to issue a Writ Certiorari to call for the records in connection with the notification dated 03.11.2025 and quash the same. W.P(MD)No. 23389 of 2024 is filed by one Mariappan and his prayer is identical to the prayer in W.P(MD)No.23388 of 2024 filed by Mariselvam.

History of the Post of Lab Technician Grade-II:

6.In the State of Tamil Nadu till 1995 to train technicians, Kings Institute at Chennai and other institutes recognised by the Government were offering one year certified course in Medical Law Technician(CMLT). From 1995, in view of advancement in Medical Science, it was felt to introduce Diploma Course of two years duration(DMLT) and thus, CMLT 1 year course got substituted by DMLT 2 years course gradually.

7.For the post of Lab Technician Grade-II, the Service Rule initially prescribed CMLT as minimum qualification. After the introduction of DMLT two years course for few years, the candidates possessing one year CMLT certificate and two years Diploma(DMLT) were treated alike and competing for Grade-II Lab Technician Post. Thereafter, to improve the



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quality of the service in the field of Laboratories, the Government brought out amendment to the Service Rules and fixed DMLT as the educational qualification for the post of Lab Technician Grade-II. The Government also stopped conducting CMLT course. The candidates with CMLT(one year certificate course) were accommodated in Lab Technician Grade-III post.

8. Whiles, in the year 2007, the Health and Family Welfare Department issued G.O.(Ms)No.39 dated 05.02.2007 giving preference to the DMLT candidates over the CMLT candidates. This G.O provided clarification to the Special Rules for the Tamil Nadu Medical Subordinate Service as under:

“A Diploma in Medical Laboratory Technology Course(two years duration) conducted by the King Institute of Preventive Medicine or from any other Institute recognised by the Government of Tamil Nadu for this purpose. Provided that, if candidates with the above qualification are not available then candidates with Certificate in Medical Laboratory Technology(one year) duration conducted by the institutions recognised by the Government of Tamil Nadu for this purpose may be appointed.”

9. The validity of G.O(Ms)No.39, dated 05.02.2007 came up for consideration before this Court in a batch of writ petitions in W.P.Nos.18237 of 2007 etc batch cases, [**G.Ganesan and Others -vs- The Government of**



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Tamil nadu, rep., by the Secretary to Government, Health and Family Welfare Department, Fort Saint George, Chennai, and others), the Writ Court, vide order dated 23.10.2007, dismissed the writ petitions. The relevant portions of the judgment are extracted hereunder:

“.....

11.The Court paid its anxious consideration on the submissions made. This Court is unable to agree with the contentions put forth by the petitioners' side for more reasons than one. Concededly, all the petitioners herein have underwent the CMLT course which is admittedly for a period of one year. As far as the DMLT candidates are concerned, they have undergone the training for a period of two years, and thus, comparatively, the DMLT course candidates who have undergone the training for two years, in view of their experience in training, have got to be necessarily given preferential treatment since it is concerned with the medical laboratory technology which would expect more experience. Further, when the matter was taken up before the Tribunal, an order came to be passed, a copy of which is placed in the hands of this Court. The above said reason is adduced by the Tribunal for giving preferential treatment. It is also true that for a period of about a decade, the DMLT course was not available, and thus, the candidates, who are the petitioners herein, along with others were compelled to undergo CMLT course, and it was for a period of one year. As stated above, the DMLT candidates having two years training, have got to be necessarily given



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preference in view of their experience and training than the CMLT course for one year training. The main contention put forth by the learned Counsel for the petitioners that all these petitioners along with others underwent CMLT course with the fond hope of getting employment opportunity in the hands of the Government; and that in view of the above said G.O., if the DMLT candidates are preferred and posted, the petitioners are likely to lose the job opportunities cannot be countenanced. Such a situation should have been taken into consideration by the Government which has resulted in creation of these posts namely Laboratory Technician Grade-III and also Field Assistant which are exclusively for the candidates from the CMLT. It is brought to the notice of the Court by the State that more than 2000 posts in Laboratory Technician Grade-III and Field Assistant were available out of which more than 1000 posts from the CMLT candidates have been filled up, and the rest of the posts are yet available. According to the learned Counsel for the State, 442 posts are available today to be filled up.

12.....Under the circumstances, this Court is of the considered opinion that while dismissing the writ petitions, it would be fit and proper to issue a direction to the State to fill up the vacancies from the DMLT course candidates and the rest from the CMLT course candidates. It is also made clear that the candidates who were originally appointed and whose appointments were terminated pending the proceedings in this Court, could be considered along with others.”



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WEB COPY 10. After the above judgment, when the Government proceeded to fill up the vacancies in the post of Lab Technician based on the district wise seniority, writ petitions were filed. This led to shifting from district wise seniority to State wise recruitment through hybrid mode of recruitment (ie) employment sponsorships as well as application from open advertisement.

11. Thus, prior to G.O(Ms)No.39, dated 05.02.2007, the method of appointment for the post of Lab Technician Grade-II:

- (i) By promotion from any class or category
- (ii) By recruitment by transfer from any other service
- (iii) By direct recruitment, if no candidates are available by the above two methods (G.O.Ms.No.232 and 233 dated 06.04.1985 and 15.04.1976).

Qualification:

12. The qualification prescribed was successful completion of Lab Technician Course issued by the Directorate, Kings Institute, Guindy at Chennai.

13. After the amendment to the Special Rules for the post of Lab Technician Grade-II by virtue of G.O.Ms.No.39 dated 05.02.2007, the method of appointment for the post of Lab Technician Grade-II is as below:



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WEB COPY (i) By direct recruitment or

(ii) By recruitment by transfer from the post of “Lab Assistant(Malaria)
in the Tamil Nadu Public Health Subordinate Service.

14..The said method of recruitment for the post of Lab Technician Grade-II got annexed in G.O.Ms.No.262 dated 13.09.2004, which is impugned herein. Through the G.O, the radical change brought in was, for recruitment by transfer from the post of Lab Technician Grade-III in the Tamil Nadu Public Health Subordinate Service one must be an approved probationer with not less than 3 years experience in the said post. This amendment had also brought in a proviso fixing ratio between direct recruits and recruitment by transfer as 1: 2.

15.This amendment has taken away the priority claimed and enjoyed by DMLT till then. Further, their scope to get into service as Lab Technician Grade-II by direct recruitment got restricted to 1/3 of the total vacancy. Hence, to restore the position prior to the amendment providing primacy to the DMLT candidates over the CMLT candidates and to quash the consequential notification to fill up the vacancies in the Lab Technician Grade-II at 1:2 ratio among the direct recruitment with DMLT qualification and by promotion from the service candidates with CMLT qualification,

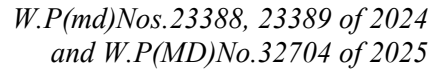


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these writ petitions are filed.

16.The second respondent, Director of Medical Education (DME), in his counter, has explained the reason and object of the amendment. In the counter affidavit, the second respondent had stated that the total sanctioned post of Lab Technician Grade-II is 1165. Persons are already in service working as Lab Technician Grade-III with CMLT qualification for more than 10 years without promotion. Hence, considering their long standing service and experience in the laboratory, the amendment is made, to give a fair opportunity to both direct recruits with DMLT qualification and in service the candidates with CMLT qualification with experience of 3 years and above as Lab Technician Grade-III. At para Nos.10 and 12 of the counter affidavit, the second respondent had stated,

“The Government has issued amendment to special rule in Tamil Nadu Medical Subordinate Service for the post of Laboratory Technician Grade-II in G.O(Ms)No.262, Health and Family Welfare(C2) Department, dated 13.09.2024 by fixing ratio between direct recruitment and by recruitment by transfer from the post of Laboratory Technician Grade-III in Tamil Nadu Public Health Subordinate Service as 1:2 in order to consider the prayer of the Lab Technician Grade-III who were working in the Public Health department for more than 10 years and to avail their long standing laboratory experience to the welfare of the



17. Thus, from the counter affidavit of the second respondent, it is clear that the opportunity of DMLT candidates to enter into service in Health Department, is not totally foreclosed by the G.O.Ms.No.262 dated 13.09.2024. They can complete with CMLT candidates for Lab Technician Grade-III post and also for Lab Technician Grade II with Lab Technician Grade-III with not less than 3 years of service.

18. What we understand from the impugned G.O.Ms.No.262 dated 13.09.2024 and the counter affidavit of the second respondent is that the two years course of DMLT is not equated with 1 year course of CMLT. The inhouse candidates as Lab Technician Grade-III after minimum 3 years experience in the said post after declaration of probation alone are eligible



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for the post of Lab Technician Grade-II. That too limited and restricted to 2/3 of the vacancy. The remaining vacancies are to be filled through direct recruitment from candidates possessing DMLT. There is no restriction for DMLT candidate to gain entry into service as Lab Technician Grade-III and later seek promotion as Lab Technician Grade-II with 3 years of service after declaration of probation.

19. Therefore, the apprehension expressed by the writ petitioners through the impugned G.O., nearly 30,000 candidates possessing DMLT qualification would be affected is not sustainable. Primarily for the reason entry into the Government service for those who possess DMLT certificate is not a constitutional guarantee or a task feasible for the State to provide employment for all DMLT certificate holders. Secondly, the ratio fixed assures that the inhouse service candidates carrier prospect of promotion which is recognised in service jurisprudence.

20. Therefore, we find no irrational or malafide in G.O(Ms)No.262 or the notification issued following G.O.Ms.No.262, hence, we have no hesitation to dismiss these writ petitions as devoid of merits.



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WEB COPY 21. With the above observations, these Writ Petitions stand dismissed.

No costs Consequently, connected miscellaneous petitions are closed.

**[G.J., J.] & [K.K.R.K., J.]
25.02.2026**

Index : Yes/No

Internet : Yes

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To

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