

WP(MD)Nos.35389, 35725 to 35731 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.02.2026

Pronounced on : 29.06.2026

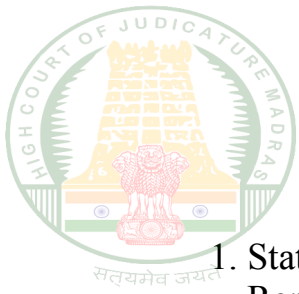
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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)Nos.35389, 35725 to 35731 of 2025
and
WMP(MD)Nos.28082, 28083, 28321, 28323, 28325,
28326, 28327 to 28331, 28333 to 28335,
28339 and 28340 of 2025

J.Melanshia Selvakumari	... Petitioner in W.P.(MD)No.35389 of 2025
R.Indumathi	... Petitioner in W.P.(MD)No.35725 of 2025
M.Valontina	... Petitioner in W.P.(MD)No.35726 of 2025
K.Vijayalakshmi	 Petitioner in W.P.(MD)No.35727 of 2025
T.Jeeva	 Petitioner in W.P.(MD)No.35728 of 2025
M.Musaber Kani	... Petitioner in W.P.(MD)No.35729 of 2025
A.Jesintha Fatima Mary	... Petitioner in W.P.(MD)No.35730 of 2025
P.Thillai Kani	... Petitioner in W.P.(MD)No.35731 of 2025

versus



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1. State of Tamil Nadu,
Rep. by its Principal Secretary to
Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.

2. The Director of Medical Education
and Research,
Kilpauk,
Chennai - 600 010.

3. The Dean,
Government Rajaji Hospital,
Madurai.

... Respondents in
all W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in her proceedings in Ref.No.90288/N1/2025 dated 21.11.2025 and the consequential order passed by the 3rd respondent in his proceedings in Ref.No.21429/E2/2/2025 dated 25.11.2025 and quash the same in so far as the petitioners are concerned and direct the respondents to accommodate the petitioners in the sanctioned vacancy in the 3rd respondent hospital.

For Petitioner : Mr.V.Panneer Selvam,
in all W.Ps. Advocate



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For Respondents : Mr.Ajmalkhan,
in all W.Ps. Additional Advocate General
assisted by
Mr.C.Venkatesh Kumar,
Special Government Pleader and
Mr.G.V.Vairam Santhosh
Additional Government Pleader

COMMON ORDER

The petitioners are working as Staff Nurses at Government Rajaji Hospital, Madurai, on deputation from other institutions. By order dated 21.11.2025, the deputation orders were terminated and the Heads of Medical Institution were requested to relieve all Staff Nurses, who are working on deputation prior to May 2021 to their parent institutions. Subsequently, by order dated 25.11.2025, the petitioners were relieved from Government Rajaji Hospital, Madurai and directed to report for duty at their original station immediately. Challenging the same, these writ petitions have been filed on the ground that this order has been passed in the middle of the academic year and the petitioners were relieved without conducting any counselling.

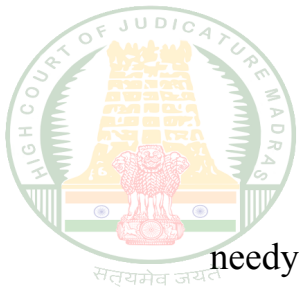


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2. The learned counsel appearing for the petitioners submitted that there are more requirements for medical staff at the Government Rajaji Hospital, Madurai and there are vacancies and shortage of staff nurse. While being so, without conducting counselling in a proper manner, all of sudden, the impugned orders have been passed in an arbitrary manner and the same are liable to be set aside.

3. The learned Additional Advocate General appearing for the respondents submitted that at the time of establishment of new Medical Colleges, Hospitals and Primary Health Centres, only a limited number of posts are initially sanctioned. Subsequently, due to an increase in out-patients and in-patients, addition of new services and expansion of speciality/diagnostic facilities, the originally sanctioned staff strength becomes inadequate to deliver essential health care services. Due to administrative reasons, it is not possible to create new posts immediately based on the requirements. However, in order to ensure continuity of essential health care services, the concerned Head of the Departments/appointing authorities have deputed/diverted from institutions with comparatively adequate/excess staff strength to the



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needy institutions on administrative grounds. It is also submitted that in certain cases, the employees have requested to give transfer/deputation/diversion by citing their ill health/family circumstances. Therefore, by considering their request, they were deputed/diverted to the requested place, when there is no vacancy in their requested places.

4. The learned Additional Advocate General further submitted that the transfer counselling is the normal mode of transfer for most of posts in the Health and Family Welfare Department. Certain deputations are done considering the request made by the staff for personal reasons. It was brought to the notice of the Government that in certain institutions, nurses are on deputation for a number of years. In order to sort out the issue, a High Level Meeting was convened by the Additional Chief Secretary, Health and Family Welfare Department with all the Heads of Departments on 22.10.2025, wherein, the following decision were taken:

- (i) Generally transfer counselling should be the normal mode of transfer for the Staff Nurses.*
- (ii) The request of mutual transfers should not be considered.*



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(iii) *In case of administrative exigency and due to over workload to the Staff Nurses in certain institutions, the Head of Institutions may request the Head of Department for making diversion/deputation arrangement on administrative reasons. Based on the request of the Head of the Institution, the Head of Department can decide the diversion / deputation without affecting the work load, where the person to be diverted/deputed, that too, it should be within the control of the same Head of Department.*

(iv) *If any candidate has to be diverted/deputed from one Head of Department to other Head of Department, the Director of Medical and Rural Health Services should not issue any such orders, unless the remarks of the concerned Head of Department is obtained by way of consent/NOC.*

(v) *For any transfer made from one Head of Department to another Head of Department, without conducting the transfer counselling, the consent/NOC should be obtained from the respective directorates.*

(vi) *If in any institution, it is identified that the services of Staff Nurse is insufficient due to overload of patients, the Head of Department should examine the issue in detail and identify the institution, where the workload is less and then to send a proposal to Government to redeploy certain posts to the needy institution by avoiding diversion/deputation.*

(vii) *The Director of Medical and Rural Health Services / Director of Medical Education and Research / Director of Public Health and Preventive Medicine are directed to identify*



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the Staff Nurse who are on diversion/deputation for more than 4 years and to cancel their diversion/deputation orders immediately.

(viii) It is brought to the notice that Medical Officers are working in various places other than their original posted places by getting diversion/deputation. Due to this, the Government face so many problems during the National Medical Commission (NMC) Inspection to the Government Medical Institutions in the State. Moreover, the NMC has changed the guidelines and the presence of the doctor in the place of posting has been made compulsory for fulfilling NMC norms. Hence, the Director of Medical Education and Research is directed to identify the Medical Officers who are on diversion/deputation, and they may be permitted to participate in the ensuing transfer counselling so as to take suitable place for them in the transfer counselling. If he/she has not taken any place during next counselling the deputation/ diversion of the Medical Officer should be cancelled and he/she may be directed to rejoin in their original place so as to fulfil the norms of NMC, during their inspection."

In compliance with the same, the impugned orders have been passed, terminating the deputation orders and relieving the staff nurses with a direction to report for duty at their original station immediately.



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5. This Court considered the rival submissions made and also perused the materials placed on record.

6. Admittedly, the petitioners in W.P.(MD)Nos.35389, 35725 to 37528, 35730 and 35731 of 2025, who were posted as Staff Nurse at Sivagangai Medical College and Hospital and the petitioner in W.P. (MD)No.35729 of 2025, who was posted as Staff Nurse at Institute of Obstetrics and Gynaecology, Egmore, Chennai, were posted on deputation at the Government Rajaji Hospital, Madurai, between 2014 and 2016. Along with the petitioners, nine others have been deputed to the Government Rajaji Hospital, Madurai, pursuant to the orders of the Director of Medical Education and they were allowed to continue till the month of November 2025 (i.e.) for more than ten years. Therefore, this Court, by its order dated 11.12.2025, called for a report from the first respondent as to the number of persons working on deputation.

7. Pursuant to the direction of this Court, the first respondent filed a report stating that deputation/diversion have been issued by the Head of Department for administrative reasons for smooth functioning of the



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institutions and in other cases, based on the personal request made by the employees. The total number of employees in the category of Medical Officers, who are presently continuing on deputation on administrative reasons as well as personal reasons comes to about 0.56% of the sanctioned strength. Further, considering the deputation on administrative grounds as well as personal grounds, for the post of staff nurses comes to about 3.8% of the sanctioned strength. It is stated that the Government has taken steps for the rationalisation of the posts based on the current needs of the institution to sort out the issue of deputation. The Government has rationalised the post of Casualty Medical Officer / Emergency Medical Officer in Government Medical Colleges, vide G.O.Ms.No.19, Health and Family Welfare (E1) Department, dated 24.01.2026. Further, in G.O.Ms.No.540, Health and Family Welfare (J1) Department, dated 27.11.2025 among others, the Government has identified 392 posts in certain Government Medical Colleges and creation of new specialist posts in certain institutions. In respect of other posts, viz., Medical Officers, Nurses and Para Medical Posts, to rationalise based on the requirements, etc., it is stated that action is being taken for the rationalisation and creation of additional posts. It is stated



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that the same is a continuous process undertaken by the Government, which will minimize the need for deputation on administrative grounds.

8. The rules governing the deputation of government servants is provided under FR 110(4), which reads as under:

“(4) (1) The initial deputation of a Government servant shall be sanctioned for a block period of three years at a stretch. The period of the said deputation shall lapse on the expiry of the said period of three years or on the date of his retirement from service on superannuation or on the date when he is transferred from the services of the foreign employer by the competent authority, whichever is earlier.

(4)(ii) No extension of deputation of any Government servant shall be sanctioned for the fourth year. However, the Government may, in exceptional and special circumstances in public interest, sanction the extension of deputation for the fourth year in respect of any Government servant.

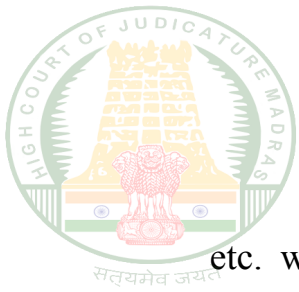
(4)(iii) In case the Government require the services of Government servants in the middle of three years period for administrative reason the competent authority may revert them to their parent department.”



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9.As per FR 110(4)(i), the initial deputation of a government servant shall not exceed three years. As per G.O.Ms.No.106, Personnel and Administrative Reforms Department, dated 23.02.1989 and G.O.Ms.No.256, Personnel and administrative Reforms Department, dated 25.04.1988, the period of deputation should not exceed three years normally and the same can be extended for the fourth year only in exceptional circumstances. Hence, the deputation for prolonged period is against the prescribed rules and government orders.

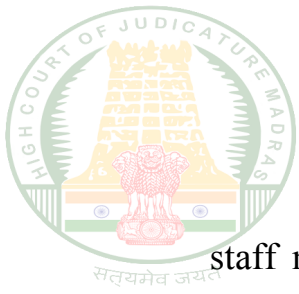
10. The Sivagangai Medical College and Hospital is a newly established one. For the approval of the Medical College and Hospital, there is a minimum requirement of staffs, Doctors and Nurses, as per the norms prescribed by the National Medical Commission. As per National Medical Commission notification No.NMC/MCI 35(1)98-Med (ii) 123627 dated 28.10.2020, all medical college hospitals shall have adequate staff of various cadres as required and conform to existing norms. The nursing staff shall also conform to the norms as drawn by the Indian Nursing Council. However, in this case, those, who are appointed in the Government Medical College and Hospital at Sivagangai, Theni,



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etc. were transferred to the Government Rajaji Hospital, Madurai, on deputation, between the year 2014 and 2016 and they were allowed to continue for ten years. The Department claims that these deputations have been made for administrative reasons for smooth functioning of the Institutions and on the personal request made by the employees. However, these reasons are not satisfactory in the opinion of this court. It appears that certain staffs were posted at the Government Rajaji Hospital, Madurai, on deputation and allowing them to continue for years together without following any norms. This would certainly affect the right of patients to proper health facilities and the smooth administration of the Government Medical College and Hospital at Sivagangai and Theni.

11. Every government servant naturally prefers a posting in a city for personal convenience and comfort. They are generally not inclined to serve in rural areas. One of the reasons for the migration of rural people to urban areas is the lack of adequate medical facilities in rural areas. The Primary Health centres have been established in the rural areas to provide accessible and affordable medical care to the people. However, the patients are not adequately attended to by the Medical Officers and the

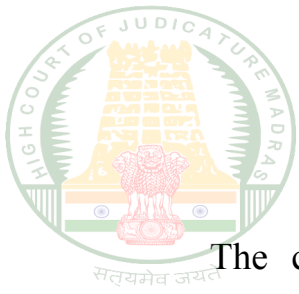


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staff nurses are often required to conduct deliveries and manage other critical medical cases, which has also led to unfortunate incidents. This Court also had an occasion to deal with such cases. Medical service is a noble service and those who are serving in the health department must be sensitized to their responsibilities. Issuing deputation orders for long periods deprives rural areas of adequate medical services and defeats the very purpose of providing equitable health care to the public.

12. In this case, the Government has addressed this issue by taking decision in the meeting held on 22.10.2025. The petitioners, who are working on deputation, have no right to continue at Madurai beyond the prescribed deputation period of three years, which may be extended to a maximum period of four years only in extraordinary circumstances. In this case, the petitioners have been serving on deputation at Madurai for more than 10 years, which is contrary to the prescribed norms governing deputation. Therefore, all the writ petitions deserve to be dismissed.

13. It is evident from the report filed by the first respondent that several Medical Officers are also working on deputation in the cities.



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The corrective measures taken by the Government to regulate the deputation of Staff Nurses beyond the permissible period should also be extended to the Medical Officers. The Department shall also ensure that adequate medical facilities are available to the rural people.

14. In the result, all these writ petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

29.06.2026

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Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.
2. The Director of Medical Education and Research,
Kilpauk,
Chennai - 600 010.
3. The Dean,
Government Rajaji Hospital,
Madurai.

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B.PUGALENDHI, J.

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Pre-delivery order made in
WP(MD)Nos.35389, 35725 to 35731 of 2025

29.06.2026