

ITEM NO.18

COURT NO.2

SECTION XII

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 6712-6713/2024

[Arising out of impugned final judgment and order dated 08-02-2024 in WMP(MD) No. 24240/2023 08-02-2024 in WPMD No. 2786/2024 passed by the High Court of Judicature at Madras at Madurai]

DEIVANAI T

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU &amp; ORS.

Respondent(s)

(IA No. 69141/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 69142/2024 - EXEMPTION FROM FILING O.T. IA No. 180291/2024 - VACATING STAY)

WITH

SLP(C) No. 7378/2024 (XII)

(IA No. 67294/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 67295/2024 - EXEMPTION FROM FILING O.T. IA No. 180423/2024 - VACATING STAY)

SLP(C) No. 29524/2024 (XII)

Date : 19-08-2025 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI**  
**HON'BLE MR. JUSTICE VIJAY BISHNOI**

**For Petitioner(s) :Mr. S Nagamuthu, Sr. Adv.**  
**Mr. Paramasivam, Adv.**  
**Mr. P R Kovilan Poongkuntran, Adv.**  
**Mrs. Geetha Kovilan, AOR**

**For Respondent(s) : Mr. Amit Anand Tiwari, AAG**  
**Ms. Misha Rohatgi, AOR**  
**Mr. Arihant Singh, Adv.**  
**Mr. Nakul Mohta, Adv.**

**Mr. Sabarish Subramanian, AOR**

**UPON hearing the counsel the Court made the following  
O R D E R**

1. In the instant special leave petitions, the order of the High Court dated 08.02.2024 dismissing the petitions filed by the petitioners assailing the *vires* of amendments to the Special Rules for the Tamil Nadu Public Health Subordinate Service (Section 26 in Volume III of the Tamil Nadu Services Manual, 2016) notified by G.O.(Ms) No. 254, Health and Family Welfare (L1) Department, dated 25.07.2023 . By the impugned order, the High Court had passed the directions as under :-

"15. In view of the interim order granted by this Court on 30.10.2023, the entire selection process has been stalled by the respondents, we are of the view that the respondent Board is directed to proceed with the selection process subject to the following conditions:

(i) The respondent Board is directed to proceed with the selection process including the application submitted by the petitioners.

(ii) These petitioners are permitted to participate in the selection process as per the notification and if the petitioners are otherwise eligible, the respondent Board may consider the selection of the petitioners for the recruitment to the post of Health Nurse / Auxiliary Nurse Midwife and appointment order shall be issued to those selected candidates without awaiting any order from this Court.

(iii) Insofar as non-selected petitioners are concerned, who do not come under the zone of consideration, their results shall not be published till the final decision is taken in the present Writ Petitions.

(iv) The respondent Board shall keep the remaining posts vacant for the non-selected petitioners for the abovesaid posts and it can be filled up subject to the outcome of the order passed in the Writ Petition.

16. We make it clear that the respondent Board shall proceed with the selection process and issue necessary appointment orders to the selected candidates. It is made clear that the above interim directions will apply only to the petitioners, who approached this Court prior to the last date of the submission of the application, as per the notification and not for any other candidates. Insofar as the petitioners, who approached this Court after the last date of the application as per the notification will be subject to the outcome of the order passed in the Writ Petitions and their applications shall be processed and proposed selection shall be kept in abeyance."

3. The said order has been assailed before us in these special leave petitions.

4. During hearing, learned counsel appearing on behalf of the State has taken a very fair stand and *inter alia* submitted that the candidates who have passed out either from Government college or from private college, on the post of Village Health Nurse are equated after commencement of these Rules. It is further said that at present, 1240 candidates who passed out as Auxiliary Nurse Midwife from Government college be permitted to be appointed as per the decision of the Government. The stand has been fairly taken in the additional affidavit dated 18.08.2025 and is relevant,

therefore, reproduced as thus :

"14. It is submitted that to deliver the above vital services to the public, the post of VHN/ANM is very much required. In the State of Tamil Nadu, the Government have sanctioned 10,770 posts, which spread out throughout the State. Out of the above sanctioned posts, as on date, there are 3,364 (one out of three posts) posts vacant. It is pertinent to note that these vacancies arose due to the pending litigation for the last two years as W.P.(MD) No.25982 of 2023 and W.P.(MD) No.2786 of 2024 was preferred before the Hon'ble High Court on 24.10.2023. Due to these vacant posts, the services to the public are being severely affected.

15. It is submitted that in order to put quietus to the whole issue and the pending litigation before the Hon'ble High Court and in view of huge number of vacancies i.e. 3,364 posts which are affecting vital healthcare services across the State of Tamil Nadu, it is proposed that the candidates who have completed the ANM course in the Government ANM Training Schools on or before 25.07.2023, i.e., before the date on which the Government amended the Special Rules for Tamil Nadu Public Health Subordinate Services for the post of VHN/ANM will be considered for giving appointment to them for the post of VHN/ANM as per the procedure existing prior to G.O.(Ms) No. 254 dated 25.07.2023. As on 25.07.2023, , there are 1,230 candidates who have studied in the Government ANM Training Schools and completed the ANM Course. All the abovesaid 1,230 candidates would be appointed to the abovesaid posts, subject to the condition that for the remaining vacancies to the said post, will be filled up through the direct recruitment through open advertisement by the Medical Services Recruitment Board (MSRB).

16. In view of the facts and circumstances stated above, it is respectfully prayed that

this Hon'ble Court may graciously be pleased to consider and pass such other orders as this Hon'ble Court may deem fit and proper and thus render justice."

5. In view of the fair stand as taken by the Government, we dispose of these special leave petitions granting liberty to the respondent-State to proceed further in terms of the affidavit. With an intent to put quietus to the entire litigation, we make it clear that henceforth, for the remaining posts of Village Health Nurse, the selection may be held by the Government following the Rules as issued by G.O.(Ms) No. 254 dated 25.07.2023 and the persons who have passed out the required course from Government college or from the private college may participate in the process of selection. In the facts, we believe that the Government shall do the needful at the earliest.

6. Accordingly, in view of the above, the special leave petitions are disposed of.

7. In view of the disposal of the special leave petitions in the above terms, parties are at liberty to approach the High Court to pass appropriate orders for disposing the pending writ petitions.

8. Pending applications, if any, shall stand disposed of.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(NAND KISHOR)**  
**ASSISTANT REGISTRAR**