

WEB COPY

WA No.1295 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN  
AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN  
WA No.1295 of 2024

- 1.Esakkiammal
- 2.S.Arul Prakash
- 3.J.Jebamercily
- 4.Aruna Mariyappan
- 5.M.Balavalli
- 6.T.Sankarammal
- 7.P.Sermakani
- 8.S.Uchimakali
- 9.A.Sindhuparameshwari
- 10.R.Ganesan

: Respondents

versus

- 1.The Government of India.  
Rep. through the Secretary  
(Health and Family Welfare Department),  
A-Wing, IP Extension,  
Delhi Secretariat, New Delhi - 002.
- 2.National Rural Health Mission  
Through its Director,  
Nirmaan Bhavan, New Delhi 110 011
- 3.The Government of Tamil Nadu,  
Through its Secretary  
Health and Family Welfare,  
St.George Fort, Chennai 9



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4.The Director  
Indian Medicine and Homeopathy,  
Arumbakkam, Chennai 106

5.The Medical Services Recruitment Board  
7<sup>th</sup> floor, DMS Building,  
359 Anna Salai, Chennai 6

: Respondents

Prayer: Appeal filed against the order passed by the learned Single Judge in WP No.1875 of 2024 dated 28.02.2024.

For Appellants : Mr.C.Kathiravan  
for M/s.Law Shine

For Respondents 1, 2 : No appearance

For Respondents 3, 4 : Ms.M.Sneha

For Respondent No.5 : Mr.L.Murugavelu

### JUDGMENT

(Judgment of the Court was  
delivered by R.SUBRAMANIAN, J.)

Challenge in this appeal is to the order of the learned Single Judge dismissing the writ petition, which challenged the notification issued by the fifth respondent calling for applications to the post of pharmacist in Siddha, Ayurvedha, Homeopathy and Unani medicines.



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2. Appellants claimed that they have been recruited as dispensers in the pharmacies under the National Rural Health Mission Scheme. According to them, they are all qualified to be appointed as pharmacists in the respective system of medicine. Since they are already working, the appellants claim that the fifth respondent ought not to have called for applications from the open market; rather, it should have regularised their services. It was also claimed that they were appointed upon being sponsored by the employment exchange.

3. Learned Single Judge has rejected the prayer of the appellants on the ground that the appellants were appointed on a part-time temporary basis for a period of 11 months in the year 2022 under the National Rural Health Mission, which is a separate scheme by itself. Therefore, they cannot claim any right to be appointed in a substantive post arising in the health department of the State.

4. Learned counsel for the appellants would vehemently contend that there had been earlier instances where such people were regularised and therefore, the appellants should also be regularised.



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5. We are unable to accept such submission. Regularisation is not a right. Regularisation can be claimed only by persons who are appointed to substantive posts and have worked for a considerably long time. In the case on hand, the appellants had worked under a scheme and they were not appointed to any substantive post in the Health Department of the State and their appointments were only in the year 2022. When the notification was issued, they had worked for just over two years, that too on a part-time contractual basis. We, therefore, do not see any reason to interfere with the order of the writ court, inasmuch as the appellants cannot claim vested right to be regularised.

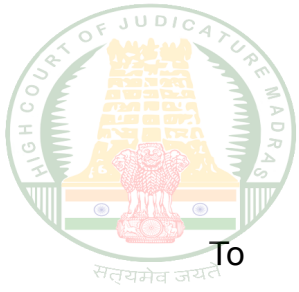
6. The appeal, therefore, fails and it is accordingly dismissed. There will be no order as to costs. Consequently, CMP No.9473 of 2024 is closed.

**(R.S.M., J.)**

**(G.A.M., J.)**

**18.03.2025**

Index : Yes/No  
Neutral Citation : Yes/No  
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