



## **ABSTRACT**

Recruitment - Recruitment for the post of Pharmacists based on State wide Employment Exchange seniority - Orders issued.

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### **HEALTH AND FAMILY WELFARE (C1) DEPARTMENT**

**G.O.(Ms).No.328**

Dated:08.10.2009  
Thiruvalluvar Aandu 2040,  
Purattasi 22<sup>nd</sup> Day.

Read:

1. G.O.(Ms) No.220, School Education (S2) Department, dated.10.11.2008.
2. Interim orders dated.22.12.2008 of Madurai Bench of Madras High Court passed in W.P.No.11674 and 11408 of 2008 filed by Thoothukudi Mavatta Velaivaipatra Marunthalunargal Sangam and Thiru.A.Nagaraj.

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### **ORDER:**

Under the existing rules, the post of Pharmacist in the Tamil Nadu Medical Subordinate Service, under the control of the Health Department, is filled up based on the District Employment Exchange seniority by the District Officers i.e., Deputy Director of Health Services in respect of PHCs; Joint Director of Health Services in respect of Taluk and District Hospitals and Deans in respect of Government Medical Colleges and by the Regional Administrative Medical Officer (RAMOs) in respect of ESI Hospitals and Dispensaries.

2. The procedure of following District Employment Exchange seniority in the appointment of Pharmacists has now been challenged in a W.P. (No.26972/2008) filed by one Thiru.A.G.Suryakumar before the High Court, Chennai and in a batch of W.Ps. (Nos.11674 and 11408 of 2008) filed by Thoothukudi Mavatta Velaivaipatra Marunthalunargal Sangam and Thiru.A.Nagaraj respectively before the Madurai Bench of Madras High Court, Madurai with a prayer to direct the respondents for selection of Pharmacists based on State wide Employment Exchange seniority. In its orders second read above, the Madurai Bench of Madras High Court, Madurai has passed interim orders restraining the Government from conducting selection for appointment to the post of Pharmacist based on District Employment Exchange seniority and extended the stay to till date and no final orders are received either from the Hon'ble High Court of Madras or Hon'ble Madurai Bench of Madras High Court, Madurai.

3. The Government have independently reviewed the selection process in respect of Pharmacist posts in view of cases pending in the High Court. In the

recruitment of Secondary Grade Teachers, the Madurai Bench of Madras High Court, in its order dated.14.6.2008 in W.A. (MD) No.119 and 122 of 2008 ordered the State Government as well as other authorities to make the selection only after inviting applications from all over the State. The Government of Tamil Nadu had taken up the above matter with the Supreme Court of India and filed Special Leave Petition. The Supreme Court had given interim order on 20.10.2008 in the Special Leave Petition No.18227&18228/2008 that "Appointment to the post of Secondary Grade Teachers may be made by the State Government, by calling the list of eligible persons from all the District Employment Exchanges and by newspaper public advertisement throughout the State so that any willing candidate even though registered in different districts can participate in the selection. It shall be made clear in the public advertisement that the selection would be based on the Employment Exchange seniority. It shall also be made clear that any person selected and appointed in a particular school within a district cannot aspire for or seek transfer to another School outside the district."

4. In the Government order first read above orders were issued for filling up of all the vacancies of Secondary Grade Teachers in the State by getting a list of eligible persons from all the District Employment Exchange and by making newspaper public advertisements through out the State and their selection be made based on the Employment Exchange seniority. On the same analogy the Government have decided to adopt the orders of the Supreme Court of India to the extent specified in para 5 below, in the recruitment of Pharmacist also, as a policy of the Government.

5. Government accordingly issue the following orders for the recruitment of Pharmacist from the date of issue of this order:

- (i) All the existing and future vacancies in the post of Pharmacist in the Government PHCs/ Hospitals /Medical College Hospitals and ESI Dispensaries in the State should be filled up by following State wide Employment Exchange seniority, subject to fulfilment of other rules in force.
- (ii) The Joint Director (Pharmacy), Office of the Director of Medical Education is designated as Nodal Officer for recruitment of Pharmacists who will consolidate the Pharmacist vacancies by obtaining details from Director of Public Health and Preventive Medicine, Director of Medical and Rural Health Services, Director of Medical and Rural Health Services (ESI) and Director of Medical Education and notify them to the Director of Employment Training, Chennai and get the list of eligible Pharmacists registered in the Employment Exchanges besides making newspaper advertisement throughout the State.
- (iii) A Committee consisting of Director of Medical Education, Director of Medical and Rural Health Services, Director of Public Health and Preventive Medicine and Director of Medical and Rural Health Services (ESI) is constituted for selection of the candidates based on the Employment Exchange seniority and for allotment of the candidates to the medical institutes under the control of Director of Public Health and Preventive Medicine, Director of Medical and Rural Health Services, Director of Medical and Rural Health Services (ESI) and Director of Medical Education based on the estimate of vacancies approved by the Government to each Directorate.

- (iv) All Pharmacist appointments should be made subject to the outcome of the pending W.Ps. (W.P.No.26972/2008) filed by Thiru.A.G.Suryakumar and W.P.(MD)No.11408 and 11674/2008 filed by Thiru.A.Nagaraj and Thoothukudi Mavatta Velaivaipatra Marunthalunargal Sangam.)

6. The Government direct that the other conditions stipulated by the Supreme Court in the case of Secondary Grade Teachers in the said Special Leave Petition, that a person appointed as a Teacher in a particular school within the District cannot aspire for or seek transfer to another school outside the District need not be followed in the case of Pharmacists, since they are now transferred and posted throughout the State.

7. Necessary amendment to Special Rules for the post of Pharmacist in the Tamil Nadu Medical Subordinate Service will be issued separately.

(BY ORDER OF THE GOVERNOR)

V.K.SUBBURAJ  
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director of Medical Education, Chennai-10.

The Director of Medical and Rural Health Services, Chennai-6.

The Director of Public Health and Preventive Medicine, Chennai-6.

The Director of Medical and Rural Health Services (ESI), Chennai-6.

The Joint Director of Pharmacy, Office of the Director of Medical Education, Chennai-10.

The Director of Employment Training, Guindy, Chennai.

The Accountant General, Chennai-18.

Copy to

Special PA to Hon'ble Chief Minister, Chennai-9.

The Chief Minister's Office, Chennai-9.

The Personnel and Administrative Reforms Department, Chennai-9.

SF/SC.

// FORWARDED BY ORDER//

SECTION OFFICER.

(K.CHITHIRAIKKANNU)  
UNDER SECRETARY TO GOVERNMENT.