

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.27636 of 2015 &
M.P.No.1 of 2015

D.Maryshalini

... Petitioner

vs.

1. The Secretary
Department of Health and Family Welfare
Government of Tamil Nadu, Chennai.
2. The Member Secretary
Medical Service Recruitment Board(MRB)
7th Floor, DMS Building,
359 Anna Salai,Teynampet Chennai-6.
3. The Registrar
The Tamil Nadu Nurse and Midwives Council
No.140 Jayaprakash Narayanan Maligai
Santhome High Road, Mylapore
Chennai-4.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to provisionally select the Petitioner in the Provisional Selection List 11 dated 05.08.2015 since the permanent date of registration as Nurse and Midwife in the 3rd respondent is on 16.04.2015 and consequently appoint the petitioner in the post of Nurse in accordance to law.

For Petitioner : Mr.B.Balavijayan
For Respondents : Mr.V.Subbiah
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner after completing her B.Sc Nursing course was issued with a provisional certificate on 25.01.2011. She has also made temporary registration with the 3rd respondent on 12.06.2012. The petitioner was issued with B.Sc Nursing Decree Certificate on 02.05.2012 and also got permanent registration as Nurse and Midwife on 16.04.2015.

3. The petitioner would state that the 2nd respondent has issued a notification on 19.04.2015 calling for application to fill up 7243 post of Nurse. The petitioner has applied for the same and also issued with hall ticket on 28.06.2015 to participate in the written examination.

4. It is further stated by the petitioner that she was provisionally selected in the written test and she was also issued with call letter on 28.07.2015 for certificate verification and she has also participated in the certificate verification and produced all the certificates. However, when the provisional selection list was published on 5.8.2015, her name did not find place. The petitioner made an enquiry and she was informed that since the date mentioned in the permanent Registration Certificate is stated as 29.06.2015, she cannot be selected.

5. It is the specific case of the petitioner that she got permanent Registration Certificate issued by the 3rd respondent even prior to the date of notification and in this regard, she has submitted a representation dated 12.08.2015 to the 2nd respondent, viz., Medical Service Recruitment Board. Since no response is forthcoming, she came forward to file the present writ petition.

6. Heard the submissions of Mr..B.Balavijayan, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for the respondents.

7. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 12.08.2015 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Secretary
Department of Health and Family Welfare
Government of Tamil Nadu, Chennai.
2. The Member Secretary
Medical Service Recruitment Board(MRB)
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3. The Registrar
The Tamil Nadu Nurse and Midwives Council
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+2cc's to the Government Pleader, S.R.No.48304 & 48323

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KU (CO)
CA (22/09/2015)

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