

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.3634 of 2015
& M.P.Nos.1 to 3 of 2015

M. Jeevanraj

...Petitioner

- Vs. -

1. The Medical Services Recruitment Board
Rep. by its Member Secretary
Directorate of Medical Service Campus
No.359, Anna Salai
Chennai-600 006.
2. The Director of Medical Services
Director of Medical Service Campus
No.359, Anna Salai
Chennai-600 006.
3. The Registrar
Dr.MGR Medical University
No.69, Anna Salai
Guindy
Chennai-600 032.
4. The Principal
Government Medical College
Tirunelveli,
Tirunelveli District.
5. The District Adi-Dravida & Schedule Tribe
Welfare Officer
Office of the District Collector
Trichy, Trichy District.
6. The District Collector
Trichy District
Trichy.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the notification No.5/MRB/E4/2014-02 dated 9 January 2015 issued in Official Website of the first respondent and quash the same and to consequentially direct the first respondent to consider the petitioner for selection and appointment to the post of Assistant Surgeon (General).

For Petitioner : Mr.S.K.Raghunathan
for M/s. S. Kingston Jerold

For Respondent : Mr.P. Sanjay Gandhi
Addl.Govt. Pleader
for RR1 & 2, 4 to 6

ORDER

This writ petition is directed against the order dated 9 January 2015 whereby and whereunder the Medical Services Recruitment Board, Chennai declared the petitioner as ineligible for selection on account of his failure to register his name before the Tamil Nadu Medical Council before the cut off date.

2. The petitioner submitted application for appointment to the post of Assistant Surgeon (General) and similar other posts in Tamil Nadu Medical Services. The application was made pursuant to the notification issued by the Medical Services Recruitment Board prescribing 10 August 2014 as the cut off date for acquiring necessary qualification and registration before the Tamil Nadu Medical Council. The petitioner registered his name before the Tamil Nadu Medical Council on 10 September 2014. The candidature of the petitioner was therefore rejected by the Medical Services Recruitment Board.

3. According to the petitioner, he was not given certificate by the University on the ground that the process of verifying his community status was pending. According to the petitioner, he was not responsible for the delay in registering his name before the Tamil Nadu Medical Council. The petitioner has therefore taken up a contention that it was only on account of the delay caused by respondents 5 and 6, he failed to register his name before the cut off date prescribed by the Medical Council.

4. The learned counsel for the petitioner contended that the petitioner has been submitting representations to the District Collector to issue the genuineness certificate. However, the District administration delayed the matter. According to the learned counsel, under similar circumstances, this Court passed interim orders earlier and on the basis of such orders, the concerned candidates were appointed by the Medical Services Recruitment Board. The learned counsel therefore seeks a direction to the Medical Services Recruitment Board to entertain the application submitted by the petitioner and appoint him to the post of Assistant Surgeon (General).

5. The learned Additional Government Pleader contended that the petitioner submitted incorrect particulars in his application to make it appear as if he has registered his name before the Tamil Nadu Medical Council well before the cut off date. According to the learned Additional Government Pleader the notification contained a clear statement that candidates should have registered their names before the Medical Council on or before 10 August 2014. Since the petitioner failed to register his name before the cut off date he was not eligible even to submit application.

6. The petitioner completed his MBBS Course in February 2013. The petitioner provisionally registered his name before the Tamil Nadu Medical Council. Thereafter he completed his CRRI training on 28 March 2014. The competent authority failed to issue genuineness certificate with respect to his community status. The petitioner finally obtained his certificate and thereafter registered before the Tamil Nadu Medical Council on 10 September, 2014.

7. The notification issued by the Medical Services Recruitment Board clearly contained a mandatory condition that the candidates should have registered their names in the Tamil Nadu Medical Council/ Tamil Nadu Dental Council, before the date of notification. The notification was issued on 10 August 2014. Therefore it is clear that persons who have registered their names after 10 August 2014 are ineligible to apply for appointment to the post of Assistant Surgeon (General).

8. The petitioner submitted the application online. In order to generate the application, the petitioner falsely stated that he has registered his name before the Tamil Nadu Medical Council on 27 March 2013 and he was given registration No. 22967. It was only by giving such a registration number the petitioner was able to generate the online application.

9. The Medical Services Recruitment Board is bound by its notification. The delay caused by the District Collector cannot be a reason to direct the Medical Services Recruitment Board to receive the application from the petitioner notwithstanding his failure to satisfy the eligibility criteria before the cut off date. The fact that under similar circumstances the University permitted candidates who have registered their names in the Tamil Nadu Medical Council after the cut off date pursuant to the interim order passed by this Court cannot be a reason to direct the University to flout its own regulations once again.

10. In the subject case, the petitioner has not come with clean hands. He should have declared that he is yet to register his name before the Tamil Nadu Medical Council. The petitioner in the column earmarked for Tamil Nadu permanent Registration Number and date of registration has given incorrect particulars to make it appear as if he has registered before the cut off date. I am therefore of the view that the petitioner is not entitled to the equitable remedy.

11. In the result, the writ petition is dismissed. Consequently the connected MPs are closed. No costs.

Tr/

Sd/-
Assistant Registrar

// True Copy //

Sd/-
Sub-Assistant Registrar

To

1. The Member Secretary,
The Medical Services Recruitment Board,
Directorate of Medical Service Campus,
Chennai - 600 006
 2. The Director of Medical Services
Director of Medical Service Campus
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Chennai-600 006.
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Trichy, Trichy District.
 6. The District Collector
Trichy District
Trichy.
- +1 C.C. To MR.S.Kingston Jerold, Advocate, Sr.No.12303
- +1 C.C. To The Government Pleader,
High Court, Madras Sr.No.11882

GP(CO)
sd 20/03/2015

W.P.No.3634 of 2015

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