

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.10590 and 10591 of 2016

G.Archana ... Petitioner in W.P.No.10590/16
S.Tamilselvi ... Petitioner in W.P.No.10591/16

Vs.

1.The Directorate of Medical Education,
No.162, Poonamallee High Road,
New Bupathy Nagar, Chetpet,
Chennai - 600 031.

2.Medical Services Recruitment Board,
7th floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai - 600 006. ... Respondents
in both writ petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent to consider the petitioners for appointment to the post of Audiometrician pursuant to the Notification No.3/MRB/2016, dated 24.01.2016 by treating them as eligible / qualified for the post of Audiometrician on the basis of petitioners' educational qualifications.

For petitioners : Ms.N.Kavitha Rameshwar

For R2 : Mr.A.Vivek

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COMMON ORDER

By way of filing these writ petitions, the petitioners seek a direction to the second respondent / Medical Services Recruitment Board, Teynampet, Chennai, to consider them for appointment to the post of Audiometrician pursuant to the Notification No.3/MRB/2016, dated 24.01.2016, by treating them as eligible / qualified for the said post on the basis of their educational qualifications.

2. The petitioners hold the Diploma in Hearing, Language and Speech (DHLS). They have applied for the post of Audiometrician through online mode pursuant to the Notification issued by the second respondent on 24.01.2016. In the said Notification, the respondent department has categorically stated that the candidates should have passed one year certificate course in Audiometry from the Government Medical Institution under the control of the Director of Medical Education. Subsequently, though the petitioners were called for certificate verification, they were rejected on the ground that they have obtained only DHLS, instead of Certificate Course in Audiometry. According to the petitioners, the syllabus of both the courses is one and the same and in fact, Audiometry is a narrow subject whereas the DHLS covers Audiometry along with several other aspects of hearing loss.

3. In this connection, learned counsel appearing for the petitioners also brought to the notice of this Court a letter dated 24.03.2016 issued by the All India Institute of Speech and Hearing, wherein it is categorically stated that the course syllabus / curriculum and other related issues of this program is being regulated by the Rehabilitation Council of India, New Delhi, which has been mandated by RCI Act of 1992, as approved by the Parliament. Therefore, in view of the subsequent development, the petitioners should have been considered for the said post.

4. The second respondent has filed a counter affidavit stating that at the time of calling for application, the petitioners did not possess the requisite qualification and therefore, they were treated as ineligible for the said post.

5. No doubt, when the petitioners applied for the post of Audiometrician, as per the notification, they did not possess the qualification of one year Certificate Course in Audiometry, instead they obtained only a qualification of Diploma in Hearing, Language and Speech (DHLS). However, as brought to the notice of this Court by the learned counsel for the petitioners, the All India Institute of Speech and Hearing issued a letter dated 24.03.2016 stating that those candidates who have completed the DHLS programme are eligible for appointment as Speech and Hearing Assistant / Speech and Hearing Technician / Audiometrician. Therefore, in such view of the matter, the petitioners are directed to submit a fresh representation along with a copy of the letter dated 24.03.2016 issued by the All India Institute of Speech and Hearing and also a copy of the order of this Court within a period of one week from the date of receipt of a copy of this order. On receipt of such

representation, the second respondent is directed to consider the same on merits and in accordance with law and also in tune with the letter dated 24.03.2016 issued by the All India Institute of Speech and Hearing within a period of 30 days thereafter.

6. In fine, with the above directions, the writ petitions stand disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Directorate of Medical Education,
No.162, Poonamallee High Road,
New Bupathy Nagar, Chetpet,
Chennai - 600 031.

2.Medical Services Recruitment Board,
7th floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai - 600 006.

2 ccs to Mrs.Kavitha Rameshwar, Advocate, sr.36791

1 cc to Mr.A.Vivek, Advocate, sr.36760

1 cc to Government Pleader, sr.37526

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