



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.13451 of 2017

and

W.M.P.(MD)No.10518 of 2017

M.Ramakrishnan

: Petitioner

Vs.

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.

2.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
No.359, Anna Salai,
Teynampet,
Chennai - 600 006.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records from the second respondent in Ref.No.287/MRB/E6/2017 dated 24.02.2017 issued to the petitioner and quash the same as illegal and consequently direct the respondents to appoint the petitioner as Nurse (Men) as per the Notification No.1/2015 dated 19.04.2015.

For Petitioner

: Mr.R.R.Kannan

For Respondents

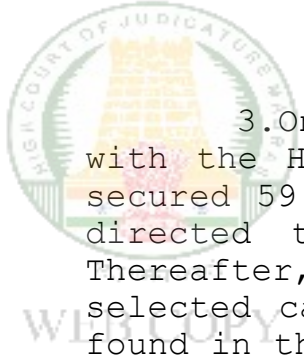
: Mr.T.S.Mohamed Mohideen

Additional Government Pleader

O R D E R

By consent of both parties, this Writ Petition itself is taken up for final disposal.

2.The petitioner has completed three years Diploma in General Nursing and Midwifery course and in addition thereto, six months Internship Programme in Psychiatry. Besides, the petitioner is also a physically challenged person with 40% disability. In the meanwhile, the petitioner applied for the post of Nurse (Men) as per the notification issued by the second respondent dated 19.04.2015, in which it has been stated that 7243 Nurses are to be recruited and 451 vacancies were earmarked to Nurses (Men) Category.



3. On application to the said post, the petitioner was issued with the Hall Ticket for the competitive examination in which, he secured 59.50 marks out of 100 marks. Further, the petitioner was directed to appear for certificate verification on 09.11.2016. Thereafter, the second respondent released a list of provisionally selected candidates. Unfortunately, the petitioner's name was not found in the list of selected candidates. Therefore, the petitioner came to this Court with W.P.(MD)No.691 of 2017, seeking a Writ of Mandamus, directing the Member Secretary, Medical Services Recruitment Board / first respondent therein to appoint him as a Nurse (Men) as per the Notification No.1/2015 dated 19.04.2015, on the basis of his representation dated 03.01.2017.

4. This Court, after considering the limited scope of the prayer and without going into the merits of the matter directed the first respondent therein to consider the representation of the petitioner dated 03.01.2017 and to pass appropriate orders. Pursuant to the said order, the present impugned order is passed, which is wholly untenable. The respondent cannot disqualify the petitioner even though he possess the qualification as mentioned in the notification, namely, three years Diploma in General Nursing and Midwifery course and six months Internship Programme in Psychiatry.

5. In support of his submission, the petitioner also produced a certificate dated 08.08.2017, issued by the Principal, Sacred Heart Nursing College, GNM Course, Madurai. A perusal of the certificate would show that the petitioner has studied Psychiatric subject in Diploma Nursing Course. The certificate further states that he has completed Mental Health Nursing and Psychiatric Nursing in six months Internship period. Therefore, this Court is of the view that the petitioner should be considered by the first respondent for the said post as he is possessing the requisite qualification as per the notification.

6. A detailed counter affidavit has been filed by the respondents. The learned Additional Government Pleader would submit that since essential qualification warrants six months training in Psychiatry after three years Diploma course in General Nursing, the petitioner has not produced any certificate to substantiate that he has undergone six months training in Psychiatry after successful completion of the training in General Nursing. But, the certificate issued by the Principal, Sacred Heart Nursing College, GNM Course, Madurai dated 08.08.2017 clearly shows that he has completed six months Internship Programme in Mental Health Nursing and Psychiatric Nursing. Therefore, this Court finds no impediment to direct the first respondent to consider the petitioner to the post of Nurse (Men). Accordingly, the impugned order dated 24.02.2017 is set aside.



7. With the above observations, the Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.

2. The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
No. 359, Anna Salai,
Teynampet,
Chennai - 600 006.

+1cc to Mr. R. R. KANNAN Advocate in SR. No. 73039

MR

JS/GT/SAR.1/5.9.2017/3P-4C

W.P. (MD) No. 13451 of 2017
17.08.2017