



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).Nos.7305 to 7312 of 2017 and
W.M.P.(MD)Nos.5730 to 5753 of 2017

W.P. (MD)No.7305 of 2017

T.Shankar Murugan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai -9.
2. The Medical Services Recruitment Board,
Represented through its Member Secretary,
7th Floor, DMS Building, No.359, Anna Salai,
Chennai - 600 006.
3. The Director of Medical Education,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.
4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai,
Chennai.

.. Respondents

W.P. (MD)No.7306 of 2017

S.Kumar

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai -9.
2. The Medical Services Recruitment Board,
Represented through its Member Secretary,
7th Floor, DMS Building, No.359, Anna Salai,
Chennai - 600 006.



3. The Director of Medical Education,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai,
Chennai.

.. Respondents

W.P. (MD) No.7307 of 2017

M.Pattu

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai -9.

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

3. The Director of Medical Education,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai,
Chennai.

.. Respondents

W.P. (MD) No.7308 of 2017

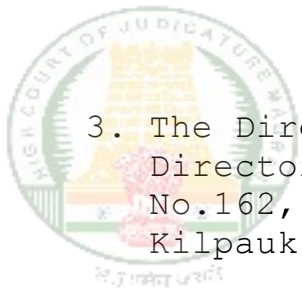
M.Kannammal

.. Petitioner

Vs.

1. The State of Tamil Nadu,
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Health and Family Welfare Department,
Secretariat, Chennai -9.

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



3. The Director of Medical Education,
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No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai,
Chennai.

.. Respondents

W.P. (MD) No.7309 of 2017

K.Chithra

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai -9.

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

3. The Director of Medical Education,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai,
Chennai.

.. Respondents

W.P. (MD) No.7310 of 2017

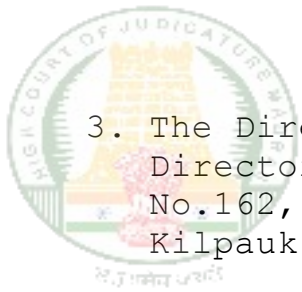
P.Arumugasamy

.. Petitioner

Vs.

1.The State of Tamil Nadu,
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Health and Family Welfare Department,
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2. The Medical Services Recruitment Board,
Represented through its Member Secretary,
7th Floor, DMS Building, No.359, Anna Salai,
Chennai - 600 006.



3. The Director of Medical Education,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai,
Chennai.

.. Respondents

W.P. (MD) No.7311 of 2017

M.Robert Singh

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai -9.

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

3. The Director of Medical Education,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai,
Chennai.

.. Respondents

W.P. (MD) No.7312 of 2017

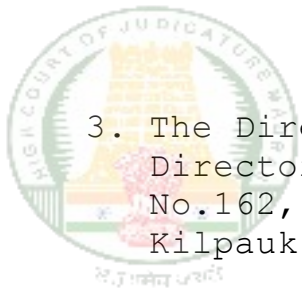
M.Santhanakumar

.. Petitioner

Vs.

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2. The Medical Services Recruitment Board,
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Chennai - 600 006.



3. The Director of Medical Education,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai,
Chennai.

.. Respondents

COMMON PRAYER: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Provisional Selection List-I issued by the second respondent in Notification No.7/MRB/2016, dated 30.03.2017 for the post of Dark Room Assistant and quash the same and consequently directing the respondents to grant exemption for the petitioners exempting the amended Rules by G.O.Ms.No.304, dated 07.10.2015, passed by the first respondent and further to appoint the petitioners to the post of Dark Room Assistant as per the earlier qualification which stood prior to G.O.Ms.No.304, dated 07.10.2015.

For Petitioners :M/s.S.D.Geetha,
for Mr.M.P.Senthil.

For Respondents :Mr.T.S.Mohamed Mohideen,
Standing Counsel.

COMMON O R D E R

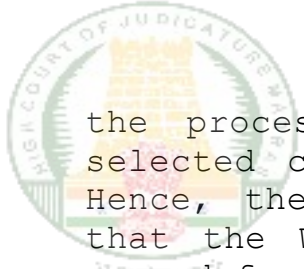
These Writ petitions have been filed by the petitioners for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Provisional Selection List-I issued by the second respondent in Notification No.7/MRB/2016, dated 30.03.2017 for the post of Dark Room Assistant and quash the same and consequently directing the respondents to grant exemption for the petitioners exempting the amended Rules by G.O.Ms.No.304, dated 07.10.2015, passed by the first respondent and further to appoint the petitioners to the post of Dark Room Assistant as per the earlier qualification which stood prior to G.O.Ms.No.304, dated 07.10.2015.

2. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents.

3. Though the petitioners are not qualified as per the Recruitment Notification, it is the case of the petitioners that the petitioners are entitled to exemption.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Standing Counsel for Medical Service Recruitment Board under instructions states that in pursuant to



the process of selection and publication of the list of the selected candidates, all the candidates have joined in service. Hence, the learned Standing Counsel for the respondents submits that the Writ petitions have become infructuous, as the relief prayed for in the Writ petitions cannot be granted.

5. The learned counsel for the petitioners also submits that the Writ petition can be dismissed, however preserving the liberty of the petitioners to challenge the appointment made by the Medical Service Recruitment Board.

6. Accordingly, the Writ petitions are dismissed as infructuous. Since the Writ petitions are dismissed as infructuous, without considering the case on merits, this Court is inclined to grant liberty to the petitioners to challenge the appointment in the manner known to law by filing separate Writ petition. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

ASSISTANT REGISTRAR (AD-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

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4. The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai, Chennai.

+1 CC TO MR.M.P.SENTHIL, ADVOCATE, SR NO.53201

+1 CC TO MR.T.S.MOHAMED MOHIDEEN, ADVOCATE, SR NO.53044

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.53182

PMU

MAS/SV-MMS/SAR4:15.05.2017:6P-8C