

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 4512 of 2003

R.Dhanalakshmi

... Petitioner

Vs.

1.The General Manager (P&A)
Neyveli Lignite Corporation Limited
A Government of India Enterprise
Block -1, P.O.Neyveli - 607 801.
Cuddalore District, Tamil Nadu.

2.R.Mahesh

3.M.Amalraj

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus calling for the records of the First Respondent pertaining to the Results of Selection for the post of dialysis technician with reference to Walk-in-interview held on 5.1.2003 at Corporation office Neyveli Lignite Corporation Limited Neyveli and quash the said results of Selection and further direct the First Respondent to select the Petitioner for the post of Dialysis Technician.

For Petitioner : Mr.K.S.Ganesh Babu

For Respondents: Mr.N.Nithianandam (For R1)

O R D E R

The First Respondent published an advertisement in the New Indian Express, in the issue dated 21.12.2002 for walk-in-interview for the post of Dialysis Technician on 05.01.2003. The Petitioner along with the Second and Third Respondents and certain others participated in the aforesaid interview. The selection of the Second and Third Respondents in that interview is challenged in this Writ Petition.

2.The only contention raised by the learned counsel appearing for the Petitioner during the course of his arguments is that, as per the advertisement, the qualification prescribed for the post of Dialysis Technician was Graduate in Science with Diploma / Certificate Course (1 year) in dialysis with minimum one year experience in the Nephrology Department of a reputed

government or private hospital, and that the Third Respondent did not possess any degree in Science, though he was holder of M.A. Degree.

3.In the counter affidavit dated 05.10.2004 filed by the First Respondent, it is contended that on the basis of marks secured, the Second and Third Respondents were selected and the Petitioner was ranked at Serial No.4A after four others unselected persons, who had secured higher marks than her. A tabular statement showing the comparative merit of the Petitioner and the Second and Third Respondents has been shown as follows:-

Sl.No.	Name	Educational Qualification	Experience
1.	R.Mahesh	B.Sc.(Physics), PG diploma in Dialysis therapy. [CMC, Vellore]	4 ½ years in LNM Railway Hospital, Gorakpur as Dialysis Technician.
2.	M.amalraj	M.A* Nephrology Technician Course, Army Command Hospital, Lucknow	12 years & 7 months out of which 7 years & 9 months in Army Medical Corps as dialysis Technician and about 3 ½ years in a private hospital as Dialysis Technician.
3.	R.Dhanalakshmi	B.Sc.(Zoology), Certificate course in Technology (Appollo, Chennai)	3 years and 7 months in Appollo Hospital, Chennai.

*Relaxation of the qualification as per Government of India guidelines.

4.The learned counsel for the First Respondent points out that the Third Respondent, who was an ex-serviceman and had served in the Medical Department of Army, was granted relaxation of the requirement of degree in Science as per rules and that his appointment cannot be questioned by the Petitioner, when he has secured higher mark than her. It is further submitted by the learned counsel that the Third Respondent has subsequently resigned from the aforesaid post of Dialysis Technician on 22.05.2008 and as such, the said post has already fallen in vacant and it is not necessary for this Court to examine eligibility of the Third Respondent for appointment at this distance of time. Be that as it may, it has also been brought to

the notice of this Court from the proceedings of the interview that apart from the Second and Third Respondents, four other persons had been placed above the Petitioner in the panel and as such even if the appointment of the Third Respondent is set aside, the Petitioner cannot be entitled to be appointed in that place.

5. In view of the aforesaid submissions made on behalf of the First Respondent, which deserve acceptance, no useful purpose would be served to examine the correctness of the selection of the Third Respondent. Hence, this Court is not inclined to interfere with the impugned selection of the Third Respondent and the Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

may

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The General Manager (P&A)
Neyveli Lignite Corporation Limited
A Government of India Enterprise
Block -1, P.O. Neyveli - 607 801
Cuddalore District, Tamil Nadu.

+1cc to M/s. K.S. Ganesh Babu, Advocate SR.NO.51122
+1cc to M/s. N. Nithianandam, Advocate SR.NO.51715

sm:29.8.2018

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