

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1755 of 2018

Dr.P.Balamurugan

...Petitioner

Versus

1. The Principal Secretary to Government,  
Department of Health and Family Welfare,  
Fort St. George, Secretariat,  
Chennai-6.

2. The Member-Secretary,  
Medical Services Recruitment Board,  
7<sup>th</sup> Floor, DMS Buildings,  
No.359, Anna Salai,  
Teynampet, Chennai-6.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to select and appoint the petitioner as Assistant Medical Officer (Siddha) within a time fixed by this Court.

For Petitioner : Mr.C.Sivakumar  
For Respondents : Mr.R.P.Prathap Singh  
Government Advocate for R1  
Mr.A.Vivek,  
Standing Counsel for R2

O R D E R

The Writ Petition is filed seeking to issue a Writ of Mandamus, directing the respondents to select and appoint the petitioner as Assistant Medical Officer (Siddha) within a time limit fixed by this Court.

2. Learned Counsel for the petitioner submitted that the petitioner has completed his Bachelor Degree in Siddha Medicine and Surgery (BSMS) in the year 2006 in the Government Siddha College, Palayamkottai. Thereafter, he did M.D. (Siddha) at National Institute of Siddha, Sanatorium, Tambaram, Chennai in the year 2015. While so, the 2<sup>nd</sup> respondent herein issued a Notification dated 2.8.2017 calling for applications for filling up the 101 vacancies of Assistant Medical Officer (Siddha). The

petitioner applied for the same and attended the Written Examination held on 8.10.2017 and emerged successful in the result published on 11.10.2017. Thereafter, he appeared for the Certificate Verification on 30.10.2017 as called for by the 2<sup>nd</sup> respondent. Except Disability Certificate, the petitioner has produced all the certificates. Hence, the 2<sup>nd</sup> respondent kept his name under withheld in the provisional selection list published on 16.11.2017 and issued a direction to him to produce the said Disability Certificate within 30 days from the Notification dated 16.11.2017. The learned Counsel further submitted that subsequently, the petitioner appeared before the Medical Board, Government Thiruvannamalai Medical College Hospital, Thiruvannamalai and also obtained a Disability Certificate and submitted the same to the 2<sup>nd</sup> respondent on 6.12.2017 itself. However, the 2<sup>nd</sup> respondent has not selected and appointed him and he has not received any communication in this regard from the 2<sup>nd</sup> respondent. Hence, the present Writ Petition.

3. Mr.R.P.Prathap Singh, learned Government Advocate takes notice for the 1<sup>st</sup> respondent and Mr.A.Vivek, Standing Counsel takes notice for the 2<sup>nd</sup> respondent.

4. The respective learned Counsel appearing for the respondents submitted that the Disability Certificate submitted by the petitioner herein has already been placed before the Medical Board, Thiruvannamalai for examination and they are awaiting report from the Medical Board. Therefore, they are now not in a position to issue any appointment order to the petitioner. It is further submitted that after receipt of the report from the Medical Board, the case of the petitioner would be considered.

5. Placing on record the submissions of the respective learned Counsel appearing for the respondents, the respondents are hereby directed to consider the case of the petitioner on receipt of a report from the Medical Board, Thiruvannamalai and to inform him about the same, within a period of four weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

(tsi)

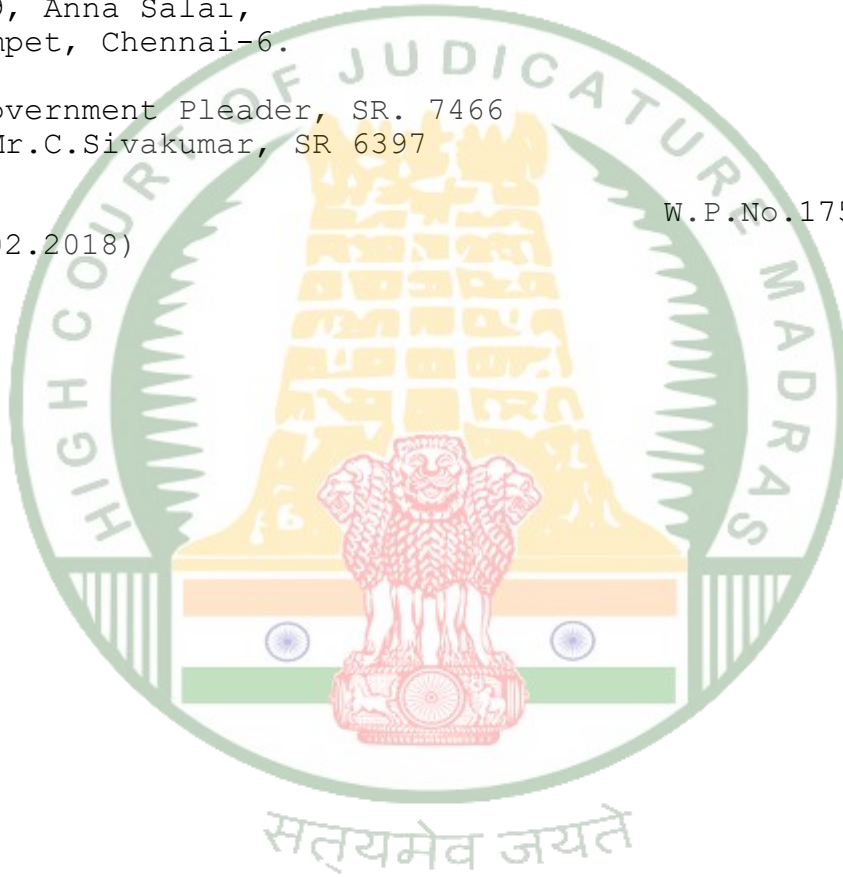
To

1. The Principal Secretary to Government,  
Department of Health and Family Welfare,  
Fort St. George, Secretariat,  
Chennai-6.
2. The Member-Secretary,  
Medical Services Recruitment Board,  
7<sup>th</sup> Floor, DMS Buildings,  
No.359, Anna Salai,  
Teynampet, Chennai-6.

+1CC to Government Pleader, SR. 7466  
+1CC too Mr.C.Sivakumar, SR 6397

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VUM(10.02.2018)



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