



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.15209 of 2014

G.Rajapandian

... Petitioner/Petitioner

Vs.

1. The Chairman,
Medical Service Recruitment Board,
7th Floor, DMS Building,
Annasalai, Teynampet,
Chennai-600 006.
2. The Director of Medical Service,
Medical Service Recruitment Board,
7th Floor, DMS Building,
Annasalai, Teynampet,
Chennai-600 006.
3. The Member Secretary,
Medical Service Recruitment Board,
7th Floor, DMS Building,
Annasalai, Teynampet,
Chennai-600 006.
4. The Assistant Director,
Professional and Executive Employment Exchange,
Madurai.
5. The Assistant Director,
District Employment Office,
Dindigul.

... Respondents/Respondents

PRAYER : This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the impugned order dated 04.08.2014 in Pro.Ref.No.123/MRB/E1/2012 of the third respondent and quash the same as illegal and consequently direct the third respondent to appoint to the petitioner as a Physiotherapist pursuant to the order passed in W.P.(MD)No.21170 of 2012 and batch K.R.Shanthi Vs. Secretary to the Government based on the Ex-Servicemen reservation seniority and as the petitioner is the first person to claim Ex-Servicemen reservation for the last 20 years.



For petitioner : Mr.V.Jeyarani
For Respondents : Mrs.S.Srimathy
Special Government Pleader
for RR4 & R5
Mr.T.S.Mohamed Mohideen
for RR1 to 3

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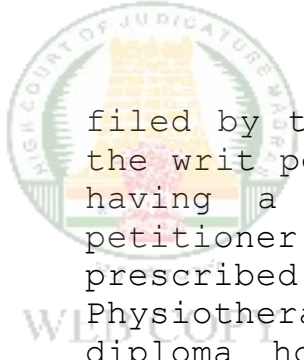
ORDER

The petitioner is a Ex-Serviceman. When the Director of Medical Services called upon the Assistant Director, Professional and Executive Employment office, Chennai-4, to sponsor candidates for the post of Physiotherapist Grade-II, Some 98 candidates were sponsored. Intimation was sent to them through on line on 07.03.2012. On 09.03.2012, the entire selection process got concluded. The petitioner was not even called for taking part in the said selection process.

2. Aggrieved by the same, the petitioner submitted representation in this regard. Since the same was not considered, the petitioner herein filed W.P.(MD)No.4482 of 2012 before this Court. This Court by order dated 21.04.2013 permitted the writ petitioner to submit a representation afresh before the third respondent Board and furnish all the details, including a copy of the order of this Court, dated 01.10.2012, made in W.P.(MD) No.21170 of 2012 and batch [K.R.Shanthi Vs. The Secretary to Government]. The third respondent was directed to consider the petitioner's claim in the light of the order of this Court, passed in K.R.Shanthi case. Pursuant to the direction given by this Court, the third respondent passed the impugned order dated 04.08.2014, rejecting the writ petitioner's claim. The same is under challenge in this writ petition.

3. At the outset, it must be clarified that the reliefs sought for in K.R.Shanthi case, were with regard to extending the benefit of concession to EX-Servicemen. This Court is of the view that the matter on hand can be disposed of on another footing altogether. It is affirmed in the counter affidavit filed by the third respondent Board that what was filled up was the post of Physiotherapist Grade-II.

4. It is seen that as per the Special Rules for the Tamil Nadu Medical Subordinate Services, the post of Physiotherapist Grade-II falls under the category 9 and the qualification is Degree in Physiotherapy. The amendment to this Rule came into force as early as on 25.04.1990. A copy of the amendment is enclosed at Page No.3 of the typed set of papers



filed by the respondents. When a specific question was posed to the writ petitioner's counsel as to whether the writ petitioner is having a degree qualification. It was submitted that the petitioner is possessing only a diploma qualification. When the prescribed educational qualification for the post of Physiotherapist Grade-II is a Degree in Physiotherapy, obviously a diploma holder cannot be considered for the said post. The impugned order has given as many as four reasons for rejection of the petitioner's claim. It is not necessary to go into the correctness of the other reasons. This Court is satisfied with regard the first reason assigned in the impugned order. The writ petitioner is not possessing the eligible qualification for the said post. There is no merit in this writ petition.

5. Accordingly, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Director,
Professional and Executive Employment Exchange,
Madurai.
2. The Assistant Director,
District Employment Office,
Dindigul.

+ 1 cc TO M/S.V.Jeya Rani , Advocate in SR No. 57687
+ 1 cc TO Mr.T.S.Mohamed Mohidheen, Advocate in SR No. 57712
+ 1 cc TO The Special Government Pleader in SR No. 58416

pnn
AE/SV MMS/SAR1/05.06.2018/3P/6C

ORDER MADE IN
W.P. (MD) No.15209 of 2014
23.03.2018