

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2019

Coram

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.905 of 2018

and

W.M.P.Nos.1085 to 1087 of 2018

1. K.Krishnan

2. K.Ilango

.... Petitioners

Vs.

The Member Secretary,
Medical Services Recruitment Board (MRB)
7th Floor, DMS Building,
359, Anna Salai,
Teynampet,
Chennai - 600 006.

...Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records made in Impugned Notification No.6/MRB/2016 dated 04.01.2018 passed by the respondent herein and to quash the same as illegal.

For Petitioners: Mr.R.Sankarasubbu

For Respondent : Mr.A.Vivek

ORDER

The process of selection for recruitment to the post of Pharmacist on temporary basis is under challenge in the present Writ Petition.

2. The Writ Petitioners mainly contended that the process of selection was not conducted in accordance with the procedures contemplated. This apart, the Writ Petitioners who are fully qualified for appointment to the post of Pharmacist are not considered for appointment without any valid reason.

3. Though the Writ Petitioners have set out various other grounds, it was prima facie established by the respondent that the Writ Petitioners were not within the zone of consideration and therefore, they were not considered for the appointment to the post of Pharmacist. In this regard, the counter statement reads as under:-

"10. It is submitted that, the petitioner Thiru.K.Krishnan (Application No.1404527) has scored 57% in SSLC and 47.78% in D.Pharm as per the details furnished by him in his online application and thus secured an weightage mark of 35.29 out of 70. Petitioner belongs to Most Backward Classes (MBC). The last candidate who has been called for the certificate verification (Phase-I) under MBC category has got a weightage mark of 54.54 out of 70.

The petitioner Thiru.K.Ilango (Application No.1413806) has scored 48% in SSLC and 51.21% in D.Pharm as per the details furnished by him in his online application and thus secured an weightage mark of 35.25 out of 70. Petitioner belongs to Backward Classes (BC). The last candidate who has been called for the certificate verification (Phase-I) under BC category has got a weightage mark of 54.58 out of 70."

4. The process of selection had been conducted based on the orders issued by the Government in G.O.(Ms).No.401, Health and Family Welfare (C2) Department dated 16.12.2014 which was issued based on the direction issued by the Honourable High Court of Madras dated 09.06.2014 in W.A.No.1027 of 2013. The method of recruitment as contemplated were strictly followed and there is no irregularity as such. This being the factum of case, the Writ Petitioners have not established any acceptable legal grounds for the purpose of interfere with the selection process. This apart, the Writ Petitioners were not under the zone of consideration and therefore, there is no scope for considering the case of the Writ Petitioners for providing appointment. It is left open to the Writ Petitioners to participate in the recruitment process, if any informed by the respondent. Accordingly, the Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

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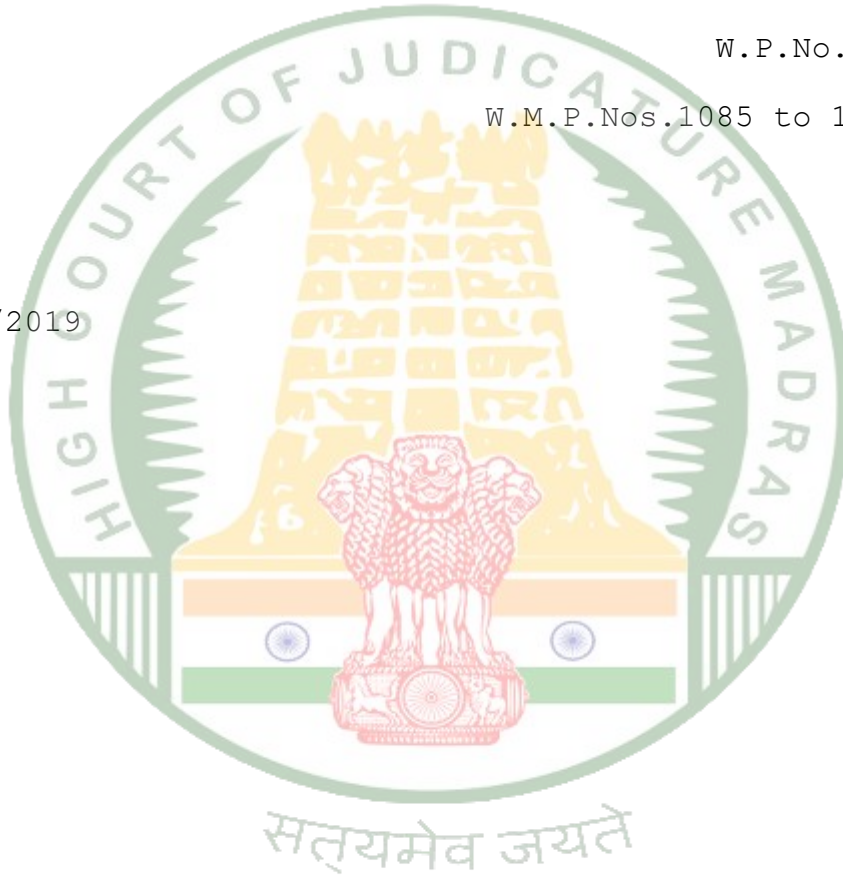
Sub Assistant Registrar

To

The Member Secretary,
Medical Services Recruitment Board (MRB)
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