

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2019

Coram

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

W.P.No.913 of 2018
and
W.M.P.No.1107 of 2018

K.Shenbagam

... Petitioner

Vs.

Medical Services Recruitment Board of Tamil Nadu
Rep. by its Member Secretary,
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 Mandamus, directing the respondent to consider the petitioner's candidature with Application No.1402900 for appointment to the post of Pharmacist on temporary basis relating to the notification in No.6/MRB/2016 dated 31.01.2016 issued by the respondent, by calling the petitioner for certificate verification as scheduled or any other date.

For Petitioner : Mr.R.Neelakandan

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

3. Though the Writ Petitioner has set out various other grounds, it was prima facie established by the respondent that the Writ Petitioner was not within the zone of consideration and therefore, she was 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 Tmt.K.Shenbagam (Application No.1402900) has scored 63.20% in SSLC and 56.43% in D.Pharm as per the details furnished by her in her online application and thus secured an weightage mark of 40.86 out of 70. Petitioner belongs to Scheduled Caste (SC). The last candidate who has been called for the certificate verification under SC category has got a weightage mark of 53.40 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 Petitioner has not established any acceptable legal grounds for the purpose of interfere with the selection process. This apart, the Writ Petitioner was not under the zone of consideration and therefore, there is no scope for considering the case of the Writ Petitioner for providing appointment. It is left open to the Writ Petitioner to participate in the recruitment process, if any informed by the respondent. Accordingly, the Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To
The Member Secretary,
Medical Services Recruitment Board of Tamil Nadu
7th Floor, DMS Building,
359, Anna Salai, Teynampet, Chennai - 600 006.

+1cc to Mr.R.Neelakandan, Advocate Sr.9912

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srg 11/03/2019