

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29015 of 2019

and

WMP.Nos.28789 and 28794 of 2019

Divya Bharathi

...Petitioner

vs

The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
No.359, Anna Salai,
Teynampet, Chennai-6.

.... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue an appropriate order or direction or Writ of declaration or any other appropriate writ, direction or order in the nature of a writ, to declare the selection procedure of the respondent pursuant to his Notice of intimation for Certificate Verification vide CV Intimation Mno.02/MRB/2019, dated 04.09.2019, is ultra-virus and illegal and consequently directing the respondent to conduct fresh selection in accordance with law based on marks secured by the petitioner.

For Petitioner : Mr. A.Ramalingam

For Respondent : Mr. M.Loganathan

Standing counsel for MRB

ORDER

The petitioner filed this Writ Petition seeking to declare the selection procedure of the respondent pursuant to his Notice of intimation for Certificate Verification vide CV Intimation Mno.02/MRB/2019, dated 04.09.2019, as ultra-virus and illegal and consequently direct the respondent to conduct fresh selection in accordance with law based on marks secured by the petitioner.

2. The case of the petitioner is that the petitioner is a B.Sc. Nursing decree holder and participated in the Written test conducted by the respondent on 26.03.2019 and secured 58.50 marks. The grievance of the petitioner is that the respondent called for Certificate verification on 04.09.2019 in which the names of the candidates with Lower marks found place, whereas the petitioner's name was not included. The petitioner has filed the present Writ Petition with the aforesaid prayer.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that the respondent has not followed the procedure in the process of selection of Nurses in transparent manner. While publishing the name of the candidates in the selected list, the respondent arbitrarily finalised 2580 candidates for Certificate verification, in which more than 65 candidates secured lower marks than the petitioner; However, the learned standing counsel for the respondent submitted that notification was issued on 04.09.2019 seeking to fill up 2345 candidates, 62789 candidates applied for the post and the examination was held on 23.06.2019 in 69 Centers at Chennai, Madurai, Trichy, Tirunelveli and Coimbatore Districts. Out of 2345 vacancies, 213 members were apportioned as backlog vacancies pertaining to Differently Abled persons in the previous recruitment and 86 vacancies pertain to Differently Abled persons apportioned in the current notification. Thus, 299 vacancies are sought to be filled up under the Differently Abled quota out of 2345 vacancies and only 88 candidates belonging to Differently Abled persons have qualified in the competitive examinations. Thus, the entire 88 candidates belonging to various communities, were considered in the communal roster as applicable and were called for Certificate verification.

5. This Court has considered the said submission made by the learned counsel on both sides and perused the materials available on record.

6. A perused of materials available on record would show that excepting the Differently Abled persons, no other candidate who has secured less marks than the cut off marks have been called for, as contended by the petitioner. That apart the Writ Petition in W.P.(MD)No.20414 of 2019 came to be filed by one Sangeetha for similar relief before the Madurai Bench of this

Court and the same was dismissed on 26.09.2019. In such view of the matter, this Writ Petition deserves to be dismissed accordingly. No Costs. Consequently, connected miscellaneous petitions also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
No.359, Anna Salai,
Teynampet, Chennai-6.

+1cc to Mr.A.Ramalingam, Advocate Sr.93248
+1cc to Mr.M.Loganathan, Advocate Sr.92842

W.P.No.29015 of 2019
and
WMP.Nos.28789 and 28794 of 2019

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srg 05/12/2019

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