



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 32300 of 2019

and

WMP.Nos. 32594 & 32596 of 2019

V.Srinivasan

..Petitioner

Vs

The Member Secretary,
Medical Services Recruitment Board,
VII Floor, DMS Buildings,
No.359, Annasalai, Teynampet,
Chennai-600006.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to impugned notification dated 22.08.2019 made in notification No. 16/MRB/2019 of the respondent in so far as distribution of vacancies to the post of Physiotherapist Grade-II and to quash the same and consequently direct the respondent to revise the distribution of vacancy by including the reservation under special category of Inter-caste Married Couples and to allot the post in the said vacancies and to appoint the petitioner as Physiotherapist Grade-II based on the written examination dated 03.11.2019.

For Petitioner : Mr. T.Seenivasan
For Respondents : Mr. M. Loganathan

O R D E R

The prayer sought for in the present Writ Petition is to call for the records relating to impugned notification dated 22.08.2019 made in notification No. 16/MRB/2019 of the respondent in so far as distribution of vacancies to the post of Physiotherapist Grade-II and to quash the same and consequently direct the respondent to revise the distribution of vacancy by including the reservation under special category of Inter-caste Married Couples and to allot the post in the said vacancies and to appoint the petitioner as Physiotherapist Grade-II based on the written examination dated 03.11.2019.



2. The case of the petitioner is that the petitioner who belongs to Most Backward Community has married a Scheduled Caste Community person and therefore seeks the benefit of being given priority as "Inter-caste marriage" person. In this regard the petitioner has participated in the Direct Recruitment for the post of Physiotherapist- Grade-II on temporary basis in Tamil Nadu Medical and Subordinate Service as per notification dated 22.08.2019 issued by the respondent. The petitioner scored 45.5 marks and the overall rank as 1949 and the communal rank as 442. Since no reservation is provided in the said notification under the special category of inter-caste marriage, the present writ petition is filed challenging the same.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the documents available on records.

4. The learned counsel for the petitioner would submit that the impugned notification does not provide the reservation under inter-caste marriage, which deprived the petitioner's opportunity to secure a job under special category as per specific G.O. The learned counsel further submitted that the petitioner has made an application under RTI Act, but no details have been furnished to the petitioner.

5. The learned counsel appearing for the respondent would submit that G.O.Ms. No.188 dated 28.12.1976 which was later amended by G.O. Ms.No. 229 P&AR Department dated 07.04.1988 and clarification letter issued by the P & AR Department vide 76183/R/2002-2 dated 17.02.2003 has made very clear that horizontal reservation for specific categories like Destitute Widow, inter-caste marriage are applicable only when recruitment is made exclusively through employment exchange seniority and not when recruitments made through open advertisements. Further, it is also submitted that the respondent is only a nodal agency which conducts exams and not a policy making body to decide whether reservation should be given to any special category during recruitment.

6. The petitioner belongs to Most Backward Community and he married a Scheduled Caste Community person and no reservation was provided in the notification for the post of Physiotherapist Grade-II. Further the said notification was issued by the Medical Services Recruitment Board and as rightly pointed out by the learned counsel for the respondent, it is only a nodal agency and it does not have any right to take policy decision for providing reservation for intercaste marriage and the policy decision has to be taken only by the Government.

7. In view of the above, this Court finds no merit in the



writ petition and the same is accordingly dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CCC)

Sub Assistant Registrar

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To

The Member Secretary,
Medical Services Recruitment Board,
VII Floor, DMS Buildings,
No.359, Annasalai, Teynampet,
Chennai-600006.

+1cc to Mr.M.Loganathan, Advocate, S.R.No. 96632

+1cc to Mr.T.Seenivasan, Advocate, S.R.No. 97235

W.P.No. 32300 of 2019

and

WMP.Nos. 32594 & 32596 of 2019

VD(CO)
GN(08/01/2020)