



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :16.12.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34719 of 2019
and WMP Nos.35476 and 35482 of 2019

K.Janani

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.
2. Medical Services Recruitment Board (MRB),
Rep by its Member Secretary,
7th Floor, DMS Building,
358, Anna Salai, Teynampet,
Chennai 600 006.

..Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent Notification CV Intimation No.02/MRB/2019 dated 04.09.2019, with regard to Certificate Verification schedule for Nurses and consequently list of candidates called for certificate verification for the post of Nurses Selection List dated 04.09.2019, Serial No.1 to 163 published in the 2nd respondent website vide Annexure as illegal and unconstitutional and quash the same and thereby direct the respondents 1 & 2 to prepare fresh selection list as per Rule of Reservation by fixing cut off marks based on communal categories and under the category of Scheduled caste Community (General) or Scheduled Caste (Women) based on the marks secured by the petitioner in the written examination.

For Petitioner	: Mr.N.Saravanan
For Respondents	: Mr.P.S.Sivashanmuga Sundaram Special Government Pleader for R1 M.Loganathan Standing Counsel for R2



WEB COPY

O R D E R

This writ petition has been filed challenging the notification issued by the 2nd respondent calling for certificate verification on the ground that the name of the petitioner has been wrongly left out from the selected list and consequently, to direct the respondents to prepare a fresh selection list as per the Rules of Reservation.

2. The learned counsel for the petitioner submitted that the 2nd respondent had issued a notification calling for applications from eligible candidates to fill up the post of Nurses and Midwife. The petitioner had applied for the said post under the Scheduled Caste (Category) and according to the petitioner, 18% reservation is given to the said Category. The learned counsel submitted that the 2nd respondent had also issued a call letter to the petitioner and he had written examination and has obtained 62.50 marks in the written examination out of 100. Thereafter, the 2nd respondent had issued a list of candidates calling them for Certificate Verification on 04.09.2019 and the name of the petitioner was not found in the said list.

3. The learned counsel for the petitioner submitted that persons who have taken lesser marks than the petitioner have been called for the Certificate Verification process and the petitioner who had taken above the cut-off marks and had applied under the Scheduled Caste Category, was deliberately omitted from the selection list. The learned counsel further submitted that the entire selection list will have to be redrawn, strictly in accordance with the reservations as provided in the notification.

4. Per contra, the learned counsel appearing for the respondent/TNPSC submitted that the cut off marks of the candidates, who were called for Certificate Verification is as follows :-

Category	Marks out of 100	Date of Birth
GT	64.50	06.05.1992
BC	64.50	01.06.1997
MBC & DNC	64.50	06.06.1996
BCM	59.00	22.07.1996
SC	64.00	30.12.1993
SCA	60.50	23.04.1995
ST	54.00	15.01.1994

5. The learned counsel submitted that there were no qualified candidates available under the Category of differently abled persons and therefore, no separate cut off marks was provided pertaining to differently abled persons of



all communities. The learned counsel further submitted that the Board had notified 213 backlog vacancies and 86 vacancies for current recruitment has been allotted to differently abled persons. The learned counsel submitted that the cut off marks insofar as the Scheduled Caste category is concerned was fixed at 64.00 marks out of 100 and all those candidates, who had taken those cut of marks were only considered for selection. The learned counsel submitted that the petitioner had taken only 62.50 marks out of 100 and therefore, the petitioner was not considered since she has not come within the cut-off mark. The learned counsel submitted that when similarly placed persons approached this Court on the same ground and filed WP No.29015 of 2019, the same was dismissed by this Court by an order dated 07.11.2019 on the ground that the candidate had not fulfilled the requirement of the cut off marks fixed for SC candidates. The learned counsel further submitted that similar writ petition was filed before the Madurai High Court in WP No.20414 of 2019 and 29015 of 2019 and the same was also dismissed.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the writ petitions filed by similarly placed persons have already been dismissed by this Court on merits and the petitioner has not taken the cut-off marks as fixed by the respondents, this Court does not find any ground to interfere with the selection process.

7. In the result, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rka

To

1. The Principal Secretary, State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.

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

+1cc to Mr.N.Saravanan , Advocate SR.No. 104267

+1cc to Mr.M.Loganathan , Advocate SR.No. 104686

+1 cc to Government Pleader Sr.No. 104885

W.P.No.34719 of 2019

A.SK(23/01/2020)