



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

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CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.3739 of 2014
and
M.P. (MD) .Nos.1 and 3 of 2014

M.Bheema Banu

... Petitioner

-Vs-

1.The Medical Services Recruitment Board,
Through its Secretary,
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai-600 006.

2.The Government of Tamil Nadu,
Through its Secretary for Health and Family
Welfare Department,
Health and Family Welfare Department,
Secretariat, St. Fort, Chennai.

3.The Deputy Director of Health Services,
Kovilpatti, Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Provisional Selection List of Pharmacists for the year of 2014 vide notification No.1/MRB/E4/2014, dated 17.02.2014 published by 1st respondent and direct the respondent to appoint this petitioner for the post of pharmacist.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.T.S.Mohamed Mohideen (for R1)

Mr.D.Muruganantham
Additional Government Pleader
(for R2 and R3)



ORDER

The relief sought for is to direct the respondents to appoint the writ petitioner to the post of Pharmacist.

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2.The writ petitioner states that she had participated in the process of selection for appointment to the post of Pharmacist. The name of the writ petitioner was sponsored by the employment exchange and accordingly, she participated in the process of interview. However, the name of the writ petitioner was not found in the Provisional Selection List published by the first respondent. Thus, the writ petitioner is constrained to move the present writ petition.

3.The writ petitioner states that she is fully qualified for appointment to the post of Pharmacist and she appeared before the first respondent on 23.01.2014 and produced all the original certificates for verification. However, her name was not found in the Provisional Selection List published by the first respondent through internet on 17.02.2014. The said allegation that the name of the writ petitioner was not found in the Provisional Selection List. There is no ground regarding any malpractice or illegality in the process of selection. Thus, this Court has to consider the counter affidavit filed by the first respondent to ascertain the reason for the non-selection of the writ petitioner for appointment to the post of Pharmacist.

4.In this regard, it is relevant to extract paragraph Nos.8, 9 and 10 of the counter affidavit filed by the first respondent which reads as follows:-

"...8.I submit that during the certificate verification held on 23.01.2014, all the original certificates of the candidate Tmt.Bheema Banu were verified. On verification it has been noticed that the Director of Employment and Training has wrongly furnished the date of registration as 10.01.1992 and it has been found that the date to be taken into account is 28.02.1994, the date on which she has registered her qualification of Diploma in Pharmacy in the Employment Exchange. She has registered her name in the Tamil Nadu Pharmacy Council, as a Pharmacist on 25.02.1994. The eligibility criteria for the post of Pharmacist is as follows:-

- 1.A pass in HSC with Science
- 2.Diploma in Pharmacy-issued by the Board of Pharmacy, Directorate of Medical Education, Chennai-10.
- 3.Must be registered in Tamil Nadu Pharmacy Council, Chennai.



Whereas the candidate Tmt.Beema Banu was registered in the Tamil Nadu Pharmacy Council only on 25.02.1994 vide certificate No.17917 A2 whereas she has been sponsored with the seniority wrongly form 10.01.1992 by the Director, Employment and Training. It is also submitted that in the Employment card filled up manually her Date of Registration is 28.02.1994, whereas in the computer generated ID card, it has been wrongly entered as 10.01.1992.

9.I submit that she had registered with Tamil Nadu Pharmacy Council on 25.02.1994 and subsequently registered with Employment Exchange only on 28.02.1994 the seniority stands only on 28.02.1994.

This candidate has been sponsored under category of BCM Non-priority Women. In this category candidate with seniority only upto 05.07.1993 have been selected.

10.I submit that even in General category the candidate who were registered in the employment exchange only upto 19.04.1990 had been selected. Hence, the petitioner was not selected for the above said reasons as she has registered in the Employment Exchange only on 28.02.1994 as a Pharmacy Diploma holder.

The petitioner knowing the above facts, that she has been awarded with the Diploma in Pharmacy only in 1993, March and registered in Tamil Nadu Pharmacy Council on 28.02.1994, she is wrongly claiming for 1992 seniority. Thus, the petitioner misleads the high Court on facts.."

5.As per the counter affidavit, it is clear that the date of employment registration was wrongly furnished in respect of the writ petitioner. Thus, her name was not considered for inclusion in the Provisional Selection List. In view of the reasons stated in the counter affidavit, this Court is of the opinion that the petitioner has not made out any acceptable legal ground for the purpose of granting the relief of appointment to the post of Pharmacist.

6.Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

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

2.The Secretary for Health and Family
Welfare Department,
Health and Family Welfare Department,
Secretariat, St. Fort, Chennai.

3.The Deputy Director of Health Services,
Kovilpatti, Tuticorin District.

+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-82216[F] dated
19/08/2019)

+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate (SR-82329[F] dated
20/08/2019)

+1 CC to M/s.SPL GP (SR-82447[F] dated 20/08/2019)

W.P. (MD) .No.3739 of 2014
19.08.2019

sj i

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