



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)Nos.21527 & 21528 of 2017 & 3161 and 3163 of 2019

and

W.M.P. (MD)Nos.2470 to 2472 of 2019 in W.P. (MD)No.3161 of 2019

and

W.M.P. (MD)Nos.2473 to 2476 of 2019 in W.P. (MD)No.3163 of 2019

W.P. (MD)No.21527 of 2017:-

P.Mujeethabai

... Petitioner

Vs.

1.The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2.The Commissioner,
Indian Medicine and Homeopathy,
Indian Medical Campus,
Anna Arch Road,
P.P. Garden,
Arumbakkam,
Chennai - 600 106.

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

4.The Director of Indian Medicine and Homeopathy,
Arignar Anna Hospital Complex,
Arumbakkam, Chennai.

... Respondents

[R4 impleaded vide order dated 30.04.2019, made in
W.M.P. (MD)No.8264 of 2019]

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in connection with the impugned provisional selection list for the post of Assistant Medical Officer (Siddha) published vide his Notification No.06/MRB/2017, dated 16.11.2017 and the consequential impugned order of posting made by the fourth respondent herein, vide his proceedings in Ref.No.13481/E1/2/2017, dated 16.08.2018, quash



the both as illegal and unconstitutional and thereby, direct the respondents 1 to 3 to prepare fresh selection list as per the Rule of Reservation by fixing cut-off marks based on communal categories and thereby, appoint the petitioner in the post of Assistant Medical Officer (Siddha) either under the category of Scheduled Caste Community (General) or Scheduled Caste (Women) based on the marks secured by the petitioner in the written examination, within the time limit that may be fixed by this Court with all service and monetary benefits.

[Prayer amended vide order dated 30.04.2019 made in W.M.P.(MD) No.8754 of 2019]

For Petitioner : Mr.G.Thalaimutharasu

For R1, R2 and R4 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3 : Mr.K.Chellapandian
Additional Advocate General
Assisted by
Mr.T.S.Mohamed Mohideen

W.P. (MD)No.21528 of 2017:-

P.Palavesakumar

... Petitioner

Vs.

1.The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2.The Commissioner,
Indian Medicine and Homeopathy,
Indian Medical Campus,
Anna Arch Road,
P.P. Garden,
Arumbakkam,
Chennai - 600 106.

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

4.The Director of Indian Medicine and Homeopathy,
Arignar Anna Hospital Complex,
Arumbakkam, Chennai.

... Respondents

[R4 impleaded vide order dated 30.04.2019, made in

<https://hcservices.ecourts.gov.in/hcservices/>



W.M.P. (MD) No.8263 of 2019]

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in connection with the impugned provisional selection list for the post of Assistant Medical Officer (Siddha) published vide his Notification No.06/MRB/2017, dated 16.11.2017 and the consequential impugned order of posting made by the fourth respondent herein, vide his proceedings in Ref.No.13481/E1/2/2017, dated 16.08.2018, quash the both as illegal and unconstitutional and thereby, direct the respondents 1 to 3 to prepare fresh selection list as per the Rule of Reservation by fixing cut-off marks based on communal categories and thereby, appoint the petitioner in the post of Assistant Medical Officer (Siddha) either under the category of Scheduled Caste Community (General) or Scheduled Caste (Women) based on the marks secured by the petitioner in the written examination, within the time limit that may be fixed by this Court with all service and monetary benefits.

[Prayer amended vide order dated 30.04.2019 made in W.M.P. (MD) No.8755 of 2019]

For Petitioner : Mr.G.Thalaimutharasu

For R1, R2 and R4 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3 : Mr.K.Chellapandian
Additional Advocate General
Assisted by
Mr.T.S.Mohamed Mohideen

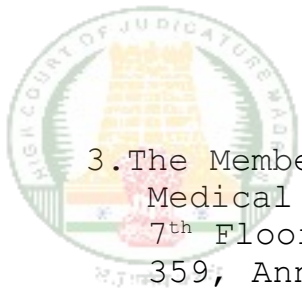
W.P. (MD) No.3161 of 2019:-

Dr.R.Palraj ... Petitioner

Vs.

1.The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2.The Commissioner,
Indian Medicine and Homeopathy,
Indian Medical Campus,
Anna Arch Road,
P.P. Garden,
Arumbakkam,
Chennai - 600 106.



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

4.The Director of Indian Medicine and Homeopathy,
Arignar Anna Hospital Complex,
Arumbakkam, Chennai - 600 106.

5.Dr.V.Ramadass

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in pursuant to the impugned provisional selection list for the post of Assistant Medical Officer (Siddha) published vide his Notification No.06/MRB/2017, dated 16.11.2017 and the subsequent impugned order of posting issued by the fourth respondent, vide his proceedings in Ref.No.15481/E1/2/2017, dated 16.08.2018, quash the both as illegal and unconstitutional and consequently, direct the respondents to prepare fresh selection list as per the Rule of Reservation by fixing cut-off marks for different communal categories and thereby, appoint the petitioner in the post of Assistant Medical Officer (Siddha) either under the category of Scheduled Caste Community based on the marks secured by the petitioner in the written examination, within the time limit that may be fixed by this Court with all service and monetary benefits.

For Petitioner : Mr.D.Selvanayagam

For R1, R2 and R4 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3 : Mr.K.Chellapandian
Additional Advocate General
Assisted by
Mr.T.S.Mohamed Mohideen

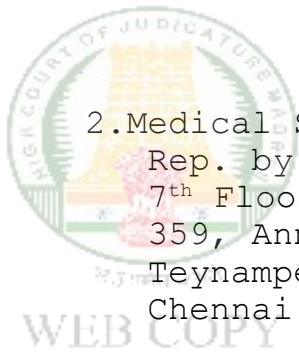
W.P.(MD)No.3163 of 2019:-

Dr.M.Suganthi

... 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,
359, Anna Salai,
Teynampet,
Chennai - 600 006.

3. The Director of Indian Medicine and Homeopathy (FAC),
Arignar Anna Hospital Complex,
Arumbakkam, Chennai - 600 106.

4. Dr. V. Ramadass

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned provisional selection list for the post of Assistant Medical Officer (Siddha) published vide his Notification No.06/MRB/2017, dated 16.11.2017 and the consequential impugned order of posting made by the third respondent, vide his proceedings in Ref.No.15481/E1/2/2017, dated 16.08.2018, quash the both as illegal and unconstitutional and thereby, direct the respondents 1 to 3 to prepare fresh selection list as per the Rule of Reservation by fixing cut-off marks based on communal categories and thereby, appoint the petitioner in the post of Assistant Medical Officer (Siddha) either under the category of Scheduled Caste Community (General) or Scheduled Caste (Women) based on the marks secured by the petitioner in the written examination, within the time limit that may be fixed by this Court with all service and monetary benefits.

For Petitioner : Mr.K.Gurunathan

For R1 and R3 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R2 : Mr.K.Chellapandian
Additional Advocate General
Assisted by
Mr.T.S.Mohamed Mohideen

COMMON ORDER

Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners in all the Writ Petitions submitted before this Court that though the Writ Petitions are filed for a larger relief, they restricted their relief only to direct the respondents to consider the petitioners' claim for appointment to the post of Assistant Medical Officer (Siddha) under the category of Scheduled Caste Community, subject to the availability of the vacancies in the Department as on today. They further submitted that the petitioners are fully eligible for the said post as per the



notification issued by the respondent Department.

2. In response to the above said submission, the learned Additional Advocate General appearing for the Medical Services Recruitment Board, submitted that if the petitioners are otherwise eligible, their claim will be considered by the respondents, subject to the availability of vacancies in the Department as on today.

3. Recording the above said submissions, the respondents are directed to consider the petitioners' claim for appointment to the post of Assistant Medical Officer (Siddha) under the Scheduled Community Category, subject to the availability of vacancy as on today, if they are otherwise eligible, based on the certificate verification, as expeditiously as possible, in any event, not later than 12 weeks from the date of receipt of a copy of this order. It is made clear that the petitioners have satisfied the relevant norms and conditions as per the recruitment notification issued by the respondent Department.

4. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

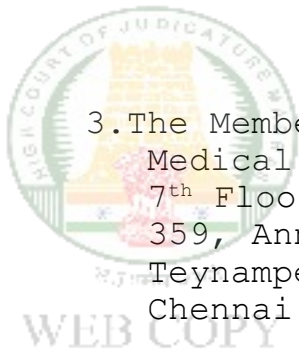
Sub Assistant Registrar (CS)

smn2

To

1. The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2. The Commissioner,
Indian Medicine and Homeopathy,
Indian Medical Campus,
Anna Arch Road,
P.P. Garden,
Arumbakkam,
Chennai - 600 106.



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

4.The Director of Indian Medicine and Homeopathy,
Arignar Anna Hospital Complex,
Arumbakkam, Chennai.

+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-82483[F] dated 20/08/2019)

+2 CC to M/s.G.THALAI MUTHARASU, Advocate (SR-82756[F] dated 21/08/2019), 82759

+1 cc Mr.D.SELVANAYAGAM ,Advocate, SR.No. 82763
+1 cc Mr.K.GURUNATHAN ,Advocate, SR.No. 82760

+1 CC to M/s.SPL GP (SR-82867[F] dated 21/08/2019)

W.P. (MD)Nos.21527 & 21528 of 2017 & 3161 and 3163 of 2019
20.08.2019

KK/SAR/05.09.2019/7P-11C/