

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 17960 OF 2013

and

M.P.Nos.1 & 2 of 2013

V.Saravanan

...Petitioner

Vs.

1.State of Tamil Nadu

Represented by its Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai 600 009.

2.The Director,

Directorate of Public Health and
Preventive Medicine,
Anna salai,
Chennai 600 006.

.....Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the 2nd respondent to include the petitioner's name in the list of selected candidate for Multi Purpose Health Worker (Male) Trainee published on 29.03.2013 and consequently permit petitioner to undergo the Multi Purpose Health Worker (Male) Training and appoint the petitioner as Multi Purpose Health Worker (Male) with all consequential monetary and other benefits.

For Petitioner : M/S.M.Gnanasekar

For Respondents : Mr.A.N.Thambidurai,

Spl.G.P. For R1

ORDER

This writ petition has been filed by the petitioner, to direct the 2nd respondent to include the petitioner's name in the list of selected candidate for Multi Purpose Health Worker (Male) Trainee published on 29.03.2013 and consequently permit petitioner to undergo the Multi Purpose Health Worker (Male) Training and appoint the petitioner as Multi Purpose Health Worker (Male) with all consequential monetary and other benefits.

2.The case of the petitioner is that he had applied for the post of Multi Purpose Health Worker (Male) pursuant to the notification issued on 09.12.2012. The selection to the post of Multi Purpose Health Worker (Male) will be on the basis of their merit in accordance with G.O.Ms.No.17 & 107 dated 10.01.2012 and 21.03.2012. After the selection process, the respondents while publishing the select list on 29.03.2013 omitted to include the petitioner's name whereas persons who have secured lesser marks than the petitioner in the Higher Secondary Examination were selected. Aggrieved by the same, the petitioner has filed this writ petition with the above said prayer.

3. Learned counsel appearing for the petitioner submitted that the petitioner participated in the selection process for the post of Multi Purpose Worker and the petitioner belongs to the MBC category. For filling up 600 vacancies the selection was held on the basis of the candidates merit in accordance with G.O.Ms.17 dated 10.01.2012 and G.O.Ms.No.107 dated 21.03.2012. The petitioner had applied earlier in pursuance of the earlier notification dated 16.05.2012 which prescribed that persons, who had already applied need not apply again. Further as per the above said G.O. the age limit prescribed is between 18 and 28 years and the candidates should have passed SSLC with Biology or Botany & Zoology. According to the petitioner, he submitted his application on 11.12.2012 and he received a call letter on 18.01.2013 and thereafter he was called for the interview to be held on 11.02.2013 at DMS for selection. Accordingly the petitioner attended the interview and thereafter he came to know that the respondents published a list on 29.03.2013, in which the petitioner's name was not included.

4. Per contra, learned Special Government Pleader while denying all the averments made by petitioner submitted that the petitioner was not included in the list as he was not possessed of the basic qualification. It is submitted that the petitioner secured 926 marks in +2 and secured 9 marks only out of 25 marks in the interview, whereas the candidates who have been selected in the MBC category have secured higher marks in +2 and interview put together. The cut off mark in the MBC category was 68% but the petitioner herein had secured only 66.88%. Hence the petitioner was not selected for the Multi Purpose Health Worker (Male) and further the said training course had already commenced from April 2013 and the one year training course was already over by April 2014. Accordingly, he prays for dismissal of the petition.

5.This Court heard the rival submissions made by either side learned counsel and also perused the materials available on records.

6. It transpires from the counter that the cut off mark in the MBC category was 68%, while the petitioner herein had secured only 66.88%. In the present case, the petitioner did not challenge the selection process and without challenging the selection process, filing this petition for mandamus is not maintainable and the same cannot be granted.

7. For the reason aforesaid, this writ petition stands dismissed. However liberty is granted to the petitioner to work out his remedy in the manner known law. Consequently connected miscellaneous petition is closed. However there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.State of Tamil Nadu

Represented by its Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai 600 009.

2.The Director,

Directorate of Public Health and
Preventive Medicine,
Anna salai,
Chennai 600 006.

W.P. NO.17960 OF 2013

LN(CO)
RV(22/10/2020)

सत्यमेव जयते

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