

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4433 of 2020

1. A.Mahalakshmi
2. P.Ramya

...Petitioners

Vs.

1. State of Tamil nadu,
Represented by the Secretary to the Government,
Department of Health and Family Welfare Department,
Secretariat, Chennai 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai 600 009.
3. The Member Secretary,
Medical Service Recruitment Board (MRB),
7th Floor, DMS Buildings, 359,
Annasalai, Teynampet,
Chennai 600 006.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in corrigendum in Notification No.5/MRB/2018 dated 09.11.2018 issued by the 3rd respondent and quash the same as illegal and consequential direct the respondents to recruit for the post of Rdiotherapy Technician as per Notification No.05/MRB/2018 dated 06.03.2018 within a reasonable time period to be fixed by this Court.

For Petitioner : Mr.B.Sathiyaraj

For Respondents: Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader
for R1
Mr.S.Karthikei Balan
Government Advocate for R2.
Mr.M.Loganathan,
Standing Counsel for R3.

O R D E R

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the corrigendum issued by the Tamil Nadu Public Service Commission through its notification dated 09.11.2018.

3. The notification / corrigendum which is under question in the present writ petition relates to the Tamil Nadu Public Service Commission, calling for applications to fill up the post of Radiotherapy Technician. The selection already became a subject matter of challenge before this Court. This Court by a detailed order dated 13.12.2019 in WP Nos.26961, 34492 and 34494 of 2019 had dismissed all the writ petitions. The relevant portion in the order is extracted hereunder :-

15. In the above judgement, the general rule, which gives a statutory recognition to Degree holders than Diploma Holders, is upheld. This aspect also has a lot of significance in the present case.

16. In view of the above discussion, this Court does not find any illegality in the selection process, that was undertaken by the respondents. Now the selection process is over and 25 candidates have already been selected and they are not before this Court. If the petitioners had any grievance on the Corrigendum or the relevant Section under the Tamil Nadu Government Service (Condition of Service) Act, 2016, they should have challenged the same and without doing so, they cannot maintain the present relief that has been sought for before this Court, since the selection has already taken place in accordance with the notification, corrigendum and the Tamil Nadu Government Servants (condition of service) Act 2016. Once the selection has taken place within the four corners of the available Rules, this Court cannot interfere with such selection, unless the Rules concerned are put to challenge.

4. The learned counsel appearing for the petitioner submitted that since this Court had indicated at Paragraph No.16 that the petitioners should have challenged the corrigendum, the present writ petition has been filed challenging the Corrigendum issued to the notification. The submission of the learned counsel for the petitioner cannot be countenanced, this Court had only said that even at the initial stages, the petitioners

should have challenged the corrigendum to the notification and the same was not done in the earlier writ petitions that were filed before this Court. This Court also held that already selection process is over and 25 candidates have already been issued with appointment orders. At this stage, this Court is not inclined to entertain the present writ petitioner and what the petitioners failed to do on the earlier occasion, is now sought to be done by way of filing the present writ petition.

5. This Court does not find any merit in the present writ petition and accordingly, the same stands dismissed. No costs. Consequently, all connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. State of Tamil nadu,
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Department of Health and Family Welfare Department,
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2. The Director of Medical Education,
Kilpauk, Chennai 600 009.
3. The Member Secretary,
Medical Service Recruitment Board (MRB),
7th Floor, DMS Buildings, 359,
Annasalai, Teynampet,
Chennai 600 006.

+1 CC to Mr.E. Sathiyaraj, Advocate sr 17096.

+1 CC to Mr.M.Loganathan, Advocate sr 16279.

+1 Cc to The Govt. Pleader sr 17215.

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KS (CO)
SP(20/05/2020)