

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 18273 of 2011

S.Mageswari

... Petitioner

-vs-

1. The District Employment Officer,
Office of the District Employment Exchange,
Thiruvannamalai District.

2. The Joint Director,
Medical Rural Health Services and
Family Welfare Department,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent to appoint the petitioner as Nursing Assistant, Grade-II, in the second respondent department pursuant to the interview conducted on 27.07.2011 by the first respondent.

For Petitioner :Mr.V.Muralidaran

For Respondents :Mrs.K.Bhuvaneswari

Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the second respondent to appoint the petitioner as Nursing Assistant, Grade-II, in the second respondent department pursuant to the interview conducted on 27.07.2011 by the first respondent.

2. The petitioner with the qualification of Higher Secondary Course with Nursing Assistant Training Course registered her name in the Employment Exchange and when the respondent Department called for applications from the eligible candidates to fill up the post of Nursing Assistant Grade-II, the eligible candidates names seems to have been sought for and sponsored by the District Employment Officer, i.e., first respondent and

according to the petitioner, the petitioner's name has also been sponsored under SC category with the said qualification for the post of Nursing Assistant Grade-II. However, after conducting the interview on 27.07.2011, the petitioner was not selected and posting or appointment order was not given. Therefore, seeking for a mandamus to give selection and appointment to the said post for the petitioner, this mandamus has been filed.

3. Heard Mr.V.Muralidaran, learned counsel appearing for the petitioner who has relied upon the aforesaid facts and seeks indulgence of this Court.

4. However, Mrs.K.Bhuvaneswari, learned Additional Government Pleader appearing for the respondents by relying upon the averments made in the additional counter affidavit would submit that, first of all, the petitioner was not eligible to be considered for the said post, as she did not have the qualification of Nursing Assistant Course in the Government Medical Institution, that apart, the very recruitment itself was cancelled by the proceedings of the Joint Director (Health Services) Tiruvannamalai, by letter dated 18.05.2012, as Government has taken a policy decision to fill up those Para-Medical post including the post of Nursing Assistant Grade-II through Medical Services Recruitment Board in a speedy manner and therefore, the question of considering the candidature of the petitioner, on these both reasons, does not arise.

5. I have considered the said submissions made by the learned counsel appearing for the parties and noted the contents in the counter affidavit which was relied upon by the learned Additional Government Pleader appearing for the respondents, where the first respondent has stated the following:

"It is further submitted the qualification prescribed for the post is VIII std., passed and must possess the Certificate of the Training Course for Nursing Assistant in any of the Government Medical Institution in the State. The candidate has not completed Nursing Assistant Course in the Government Medical Institution. Hence she was not eligible for this post. The certificate issued by Tahdco is not eligible for the Nursing Assistant Post and so the first respondent rejected the petitioner's certificate. Therefore the action of the District Employment Officer is not arbitrary.

Further, it is also submitted that this vacancy has been canceled as per Joint Director (Health Services) Tiruvannamalai Letter No.536/Ni2/2011 dated 18.05.2012 (copy enclosed). As per

G.O.Ms.No.1 Heath and Family Welfare (C2) Department dated 02.01.2012, the Government have decided to fill up the Para-Medical and other basic service category in a speedy manner through Medical Services Recruitment Board (copy enclosed). Therefore no one was appointed against these vacancies."

6. It is the stand of the respondents that, first of all, the petitioner did not have the qualification of Nursing Assistant Course in Government Medical Institution. Be that as it may, the very recruitment itself was cancelled on 18.05.2012, pursuant to which, no one was selected and appointed against those vacancies, for which, the petitioner's name also was considered.

7. In that view of the matter, this Court feels that, nothing survives in this Writ Petition to issue any mandamus as prayed for.

8. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vji
To

1. The District Employment Officer,
Office of the District Employment Exchange,
Thiruvannamalai District.

2. The Joint Director,
Medical Rural Health Services and
Family Welfare Department,
Thiruvannamalai District.

+1 CC to The Government Pleader sr 15862.

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PCH(CO)
SP(18/05/2021)