



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.39528 of 2015

&

M.P.No.2 of 2015

1.K.Thiyagarajan
2.S.Prabhakar
3.A.Deiva Priya

... Petitioner

Vs.

1.The Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai-600 009

2.The Medical Services Recruitment Board,
Rep by its Member Secretary,
7th Floor, DMS building,
359, Anna Salai,
Teynampet, Chennai-600 018

3.The Director of Medical Education,
Kilpauk, Chennai-600 010

4.The Director of Employment & Training
Employment Wing
Guindy,
Chennai-600 032

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned order passed by him in letter No.17447/C2/2013 H & FW dated 23.02.2015 and quash the same and direct the respondents to select and appoint the petitioners as Radiographers and grant them all consequential service and monetary benefits.

For Petitioners : Mr.M.Alagu Gowtham for
Mr.M.Muthappan
For Respondents : Mr.C.Selvaraj,
Government Advocate

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O R D E R

The petitioners have passed Higher Secondary Course with Science subject in the State of Tamilnadu and have also passed the Certified Radiological Course conducted by the Directorate of Medical Education, Government of Tamil Nadu and they are eligible to be appointed to the post of Radiographers and Dark Room Assistant. The petitioners have registered themselves with the employment exchange having their registration date as 31.08.2009, 14.03.2011 and 29.12.2009 respectively.

2. The 3rd respondent conducted selection for the post of Radiographers and Dark Room Assistant through the 2nd respondent. The 4th respondent Employment Exchange had sponsored large number of candidates in the ratio of 1:5 in the year 2012. The said selection was challenged by the petitioners in W.P.No.15032 of 2012. This Court after considering the indiscriminate sponsoring of qualified and unqualified candidates by the 4th respondent Employment Exchange, set aside the selection and directed the Employment Exchange to segregate the qualified candidates and sponsor them as per rules. Pursuant to this order, again the names of the qualified candidates were sponsored. The 2nd respondent has conducted the selection and issued a notification of selected candidates in Notification No.03/MRB/2013 dated 29.04.2013. The petitioners were not selected even though they were sponsored by the Employment Exchange for the selection. Aggrieved over the same, petitioners made a representation to the 1st respondent setting out the irregularities which had happened in sponsoring the candidates as well as in the selection process. The representations were not considered therefore, the petitioners again approached the Court and this Court directed the 1st respondent to pass orders on their representations. Thereafter 1st respondent has passed an order in Lr.No.17447/C2/2013 dated 23.02.2015, wherein it is stated that the case of the petitioners were not considered for selection as they have not reached their turn.

3. Challenging the order of the first respondent the petitioners are before this Court.

4. On perusal of the records, it is noted that 975 candidates were sponsored for selection of 243 vacancies. It is also noted that there were lot of candidates who are not qualified or those candidates who were already been appointed came to be selected for the second time. For example, one K.Rubakanth who has done his Higher Secondary course in Commerce, Accountancy and Auditing and who has completed his certificate of Radiological Assistants in May 2009 having Employment registration on 14.03.2011 was selected under Scheduled Caste priority category. It is relevant to note that



the qualification for the post of Radiographers and Dark Room Assistant is that a pass in Higher Secondary course with Science subject and certification in Radiology, where as the said candidate has possessed pass in Higher Secondary in commerce subject. Likewise, the petitioners have given list of 17 names of candidates who were selected and appointed as Dark Room Assistant in the previous selection and drawing salary from the Government were again sponsored for selection and were actually selected also. Like wise one A. Latha who was selected by Medical Services Corporation on 19.03.2012 was recommended for deletion of name with the 4th respondent Employment Exchange. The 4th respondent has not deleted the name of the candidate A.Latha but sponsored her name again and she was again considered and selected. Thus there are lot of irregularities in the selection, where the qualified candidates were omitted to be selected on the ground that they have not reached their turn. Whereas, those candidates who are not eligible to be considered or not required to be considered were considered and selected depriving the opportunities of the petitioner. These points raised by the petitioners were over looked by the 1st respondent, while passing the impugned order. Therefore, this Court is inclined to set aside the impugned order passed by the 1st respondent in Letter No.17447/C2/2013 H & FW dated 23.02.2015 and direct him to reconsider the issue of selection of the petitioners in the light of the selection of ineligible candidates as well as the candidates who are already appointed in service and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

KPR

To

- 1.The Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai-600 009
- 2.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS building
359, Anna Salai,
Teynampet, Chennai-600 018



3.The Director of Medical Education,
Kilpauk, Chennai-600 010

4.The Director of Employment & Training
Employment Wing
Guindy, Chennai-600 032

+1cc to Mr.M.Muthappan, Advocate, S.R.No. 34819
+1cc to the Government Pleader, S.R.No. 34952

PCH(CO)
TE (09/08/2021)

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