



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.07.2021

PRONOUNCED ON : 29.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.21721 of 2019

Dr.S.Ramalingam

... Petitioner

Vs.

1.The Chairman,
Medical Sciences Recruitment Board,
VII Floor, DMS Building,
Anna Salai, Chennai-600 006.

2.Dr.P.Balamurugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to appoint the petitioner as Assistant Medical Officer (Siddha) as per the Notification No.6/MRB/2017 dated 11.10.2017 by the Government of Tamil Nadu Medical Services Recruitment Board.

For Petitioner : Mr.K.R.Krishnan

For Respondent-1 : Mr.M.Loganathan

For Respondent-2 : Mr.C.Sivakumar

O R D E R

The present Writ Petition is heard through Video Conferencing on 28.07.2021.

2. Pursuant to a recruitment notification dated 02.08.2017, called for by the Medical Services Recruitment Board (MRB) for the post of Assistant Medical Officer (Siddha) [hereinafter referred to as AMO (S)], the petitioner herein had applied for the post under physically disabled quota. In the provisionally selected list of candidates, the petitioner was placed in the



fifth rank below that of the second respondent herein. The case of the petitioner is that the second respondent herein has been disqualified through an order, dated 26.03.2018 issued by the MRB and therefore since he is the next orthopaedically disabled candidate in the selected provisional list to be considered for the post under the physically disabled quota, he seeks for issuance of a Writ of Mandamus to the MRB for appointing him to the said post. Incidentally, the second respondent herein had filed a Writ Petition, challenging the order dated 26.03.2018, disqualifying him for selection in W.P.No.9305 of 2018 and this Court had passed final orders today i.e., on 29.09.2021, setting aside his order of disqualification directing the MRB to include his candidature for selection and consequently, issue appointment orders to him for the post of AMO (S) under the physically disabled quota.

3. The very case of the petitioner herein is that he is entitled for selection since the second respondent is disqualified. Now that this Court had held that, the second respondent herein is entitled for selection, the grounds raised by the petitioner on this aspect, cannot be sustained. However, if the petitioner herein is otherwise entitled to be selected and appointed for the post of AMO (S), liberty is hereby granted to him to make an appropriate representation to the first respondent seeking for appointment.

4. In the light of the above observations, the petitioner is granted liberty to make appropriate representation to the first respondent, seeking for selection and appointment to the post of Assistant Medical Officer (Siddha) and on receipt of the same, the first respondent herein shall consider it, in the light of the observations made in this order, as well as, in the order passed in W.P.No.9305 of 2018 and pass appropriate orders, within a period of eight weeks, from the date of receipt of such representation.

5. With the above observation and direction, the Writ Petition stands disposed of. There shall be no orders as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



DP

To

The Chairman,
Medical Services Recruitment Board,
VII Floor, DMS Building,
Anna Salai, Chennai.

+lcc to M/s.K.R.Krishnan, Advocate Sr.50592

W.P.No.21721 of 2019

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srg 20/10/2021