



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.4358 of 2016

and

W.M.P(MD)Nos.3885 and 3886 of 2016

WEB COPY

J.Jalilul Jabbar

... Petitioner

Vs.

1.The Principal Secretary to Government,
Health and Family Welfare (B2) Department,
Fort St. George,
Chennai-09.

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

3.The Member Secretary,
Medical Services Recruitment Board (MRB)
7th Floor, DMS Buildings,
359, Anna Salai,
Teynampet,
Chennai-6.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.3 to consider the petitioner for appointment to the post of Lab Technician Grade-III within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapthiroy
For R1 and R2	: Mr.M.Muthugeethayan Special Government Pleader
For R3	: Mr.T.S.Mohammed Mohideen Standing Counsel

O R D E R

This Writ Petition is filed for a direction to the third respondent to consider the name of the petitioner for appointment to the post of Lab Technician Grade-III.

2.The case of the petitioner is that he studied upto Higher Secondary Education and thereafter, he studied Diploma in Medical

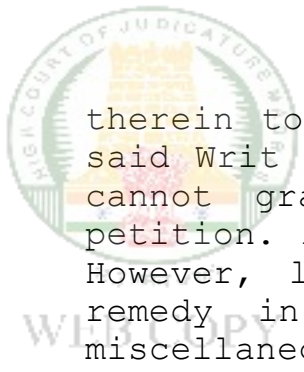


Laboratory Technology and registered his name in the District Employment Exchange and he belongs to BC(M) Category. Whiles, in the year 2010, when the recruitment process was initiated to the post of Lab Technician Grade III based on the employment seniority, the petitioner's name was not sponsored. Hence, the petitioner has filed a writ petition in W.P(MD)No.9819 of 2010, wherein, this Court had passed an order of interim direction to the respondents therein to keep one post vacant for the petitioner. In the meanwhile, the third respondent issued a notification dated 10.01.2016 calling for applications through online for recruitment to the post of Lab Technician Grade III. Accordingly, the petitioner applied on 11.01.2016. However, the petitioner was not called for certificate verification. Hence, the present Writ Petition is filed.

3.The learned counsel appearing for the petitioner submitted that though the petitioner has possessed the qualification of Diploma in Medical Laboratory Technology and he has also participated in the selection process, he was not called for certificate verification, which is an unsustainable one. Hence, he prays for allowing the present writ petition.

4.Per contra, the learned Special Government Pleader appearing for the first and second respondents submitted that during the pendency of the writ petition, the petitioner has participated in the process of certificate verification, on 30.08.2018. On scrutiny of the documents submitted by the petitioner, it has been observed that the petitioner has undergone the Diploma in Medical Laboratory Technology (one year course) conducted by the Academic Board, All India Medical Laboratory Technologist's Association from the College of Allied Medical Sciences, Madurai. The said course was not recognized by the Director of Medical Education, Chennai, and hence, his candidature was not considered as per the qualification prescribed in the Special Rules governing the post of Lab Technician Grade-III in Tamil Nadu Public Health Subordinate Service. Accordingly, he prays for dismissal of the present writ petition.

5.The facts in the present case are not in dispute. Admittedly, during the pendency of the writ petition, the petitioner has participated in the process of certificate verification on 30.08.2018 and on scrutiny of the petitioner's document, his candidature was rejected on the ground that the petitioner was not possessed with the valid certificate as per the Special Rules governing the post of Lab Technician Grade III and as per the notification. Further, on an earlier occasion, for the very same relief, the petitioner has filed a writ petition in W.P (MD)No.9819 of 2010, before this Court, wherein, this Court had passed an order of interim direction directing the respondents



therein to keep one post vacant for the petitioner. However, the said Writ Petition was disposed on 08.01.2021. Hence, this Court cannot grant the relief as sought for in the present writ petition. Accordingly, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government,
Health and Family Welfare (B2) Department,
Fort St. George,
Chennai-09.

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

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-13395[F] dated 24/03/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13499[F] dated 25/03/2021)

+1 CC to M/s.SPL GP (SR-13574[F] dated 25/03/2021)

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