



W.P..No.15221 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 16.11.2022

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No.15221 of 2015
and M.P.No.2 of 2015**

Dr.G.Revathy
W/o N.Chander

... Petitioner

Vs.

1.State of Tamilnadu
rep by its Secretary to Government
Health and Family Welfare (B2) Department
Fort St.George
Chennai – 600 009.

2.Medical Services Recruitment Board (MRB)
rep by its Member Secretary
7th Floor, DMS Building
349, Anna Salai, Teynampet
Chennai – 600 006.

3.The Principal
Government Dental College
Chennai – 600 003.

4.Dr.V.Brindalakshmi
W/o Dr.D.Y.Raj Prakash

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the first respondent's impugned G.O.(Ms) No.133, Health and Family Welfare (B2) Department dated 29.04.2015 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.Ayyadurai
Government Advocate for RR1 to 3
M/s.B.Giridhar & Sai for R4

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorari, to call for the records of the 1st respondent in G.O.(Ms) No. 133, Health and Family Welfare (B2) Department dated 29.04.2015 and quash the same in so far as the petitioner is concerned.

2.The petitioner herein completed her BDS degree in the year 2006 and registered with Tamil Nadu Dental Council on 07.11.2007. After that, the petitioner joined MDS course in the year 2008 and completed the same



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in the year 2011. The 2nd respondent vide notification No. 01/2013 dated 31.03.2013 called for applications for the post of Assistant Surgeon (General) and Assistant Surgeon (Dental)(Speciality). The petitioner being qualified for the posts and completing all the required procedure, was appointed under the category MDS with any Speciality vide notification No. 8/MRB/E4/2013 dated 12.09.2013.

3.The 4th Respondent being not eligible, during the selection process was not selected, as she was only a student, on the date of notification and failed to satisfy the mandatory requirement of MDS degree to apply for the said posts. Meanwhile a group of persons have filed a Writ Petition in WP No. 23948/2013 questioning the procedure of selection with regard to date of registration and this Court by way of an interim order, directed the official respondents to accommodate the petitioners therein by giving appointment orders in the available vacancies, subject to the outcome of the above mentioned Writ Petition. Pursuant to the final list, the 1st respondent issued G.O. (3D) No. 44, Health and Family Welfare Department, dated



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13.09.2013 and according to which, 19 candidates including the petitioner was selected. Thereafter, the 2nd respondent informed the availability of 36 posts of Assistant Surgeon (Dental Speciality) vide G.O. (3D) No. 72 Health and Family Welfare Department dated 18.07.2014. Pursuant to the order, petitioner herein joined the service on 31.07.2014.

4. In the mean time, the 1st respondent considered the appointment of 4th respondent and also modified the selection order by cancelling the appointment of petitioner and one other person. The 4th respondent herein also filed W.P.26740 of 2014 with similar prayer.

5. Second respondent-Medical Services Recruitment Board filed counter affidavit in this writ petition, wherein, in paragraph No.6, it has been stated as follows:-

“ 6. It is submitted that subsequently the Government in their order No.106, Health and Family Welfare (B2) Department, dated 06.10.2015 issued



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orders as follows:-

In view of the stay order of the Hon'ble High Court, dated 26.05.2015 in M.P.No.1 of 2015 in W.P.No.15221 of 2015 and status quo ordered in respect of Dr.G.Revathy and the temporary appointment as Assistant Surgeon (Dental Speciality) vide G.O.(3D) No.72, Health and Family Welfare Department, dated 18.07.2014 is revived and she is directed to report for in the station posted earlier. Accordingly, Dr.G.Revathy continues to work in the place of posting on her first appointment.”

6. Today when the matter is taken up, learned counsel for the petitioner produced a copy of the order of this court passed in W.P.Nos.26739 and 26740 of 2014 dated 12.08.2022, wherein, this court recorded the submission of the petitioners therein who were appointed and their grievances were redressed. It is seen that the petitioner in WP.26740 of 2014 is the 4th respondent herein and the other petitioner in WP.26739 of 2014 are similarly placed persons as that of the writ petitioner herein.



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7. In view of the order passed by this court dated 12.08.2022 and the submissions made in the counter affidavit, since the writ petitioner is continuing in the service of the respondent college, as per her appointment, the impugned order dated 29.04.2015 is quashed. With regard to inter se seniority, it is open to the petitioner to work out her remedy in the manner known to law.

8. In the result, the Writ Petition stands allowed. No costs.
Consequently connected miscellaneous petition is closed

16.11.2022

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Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order

To

1. The Secretary to Government
State of Tamilnadu
Health and Family Welfare (B2) Department
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