



W.P.No.6522 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.02.2022

Coram

The Hon'ble Mr. Justice **V.PARTHIBAN**

W.P.No.6522 of 2014

R.Sheela

...Petitioner

Vs.

- 1.The Secretary to Government,
Department of Health,
Secretariat, Fort St. George,
Chennai.
- 2.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet, Chennai - 600 006.
- 3.The District Employment Officer,
District Employment Office,
Department of Employment and
Training, Namakkal.
- 4.Y.Premkumar,
S.L.No.289, Turn No.1306,
Employment Registration No.
VLD1998M00008545
C/o.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet, Chennai - 600 006.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records in Notification No.1/MRB/EA/2014 dated 17.02.2014 on the



W.P.No.6522 of 2014

file of the second respondent and quash the same as arbitrary, illegal and unjustifiable with regard to the fourth respondent alone and direct the second respondent to include the petitioner in the provisional selection list dated 17.02.2014 and consequently appoint the petitioner as Pharmacist.

For Petitioner .. Ms.A.Vinupradha
for Mr.S.Ramesh Kumar

For Respondents .. Mr.V.Veluchamy,
Addl. Govt. Pleader for R1
Mr.M.Loganathan for R2
Mr.G.Ameediuz,
Addl. Govt. Pleader for R3
Mr.R.Vasudevan for R4

ORDER

The petitioner is in possession of the Bachelor Degree in Commerce (Alopathy). The second respondent Board issued notification on 03.01.2004 for appointment to the post of Pharmacist in the hospitals run by the State Government. Certificate verification was held on 20.01.2014. The petitioner appeared and produced all the relevant certificates. Subsequently, a select list was published in 2014 and the name of the petitioner was not found in the list. According to the petitioner, registration in the Employment Exchange seniority was effected from the date of 09.06.2003 and the same was not taken into consideration while overlooking her claim. According to her, she is fully eligible to be considered for appointment as Pharmacist. The petitioner is before this Court challenging the



W.P.No.6522 of 2014

notification containing the list of selected candidates insofar as her non-selection was concerned.

2. Notice was ordered and a counter affidavit has been filed. In the counter affidavit filed on behalf of the second respondent it has been clearly stated that only the Diploma in Pharmacy holders were considered eligible for selection to the subject post as per the Tamil Nadu Medical Services Manual, Vol.III Section 21 - The Tamil Nadu Medical Subordinate Service, Part-I, Class-I, Category-2. The notification inviting application had only mentioned as Diploma in Pharmacy but the petitioner candidature has been wrongly considered, and later after realization, her name was not included in the selection list.

3. This Court, in consideration of the Notification prescribing only Diploma-holders in Pharmacy as eligible candidates, the petitioner herein being in possession of the Bachelor Degree in Pharmacy was not eligible in the first place for certificate verification. Therefore her claim cannot be countenanced in view of the specific prescription in the Notification about the qualification.

4. For the above said reasons, this Court finds that there is no



W.P.No.6522 of 2014

merit in the Writ Petition and hence, the same is dismissed. No costs.

WEB COPY

23.02.2022

mrn

Index:Yes/No

Internet:Yes

To

- 1.The Secretary to Government,
Department of Health,
Secretariat, Fort St. George,
Chennai.
- 2.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet, Chennai - 600 006.
- 3.The District Employment Officer,
District Employment Office,
Department of Employment and
Training, Namakkal.



WEB COPY



W.P.No.6522 of 2014

V.PARTHIBAN.J.,

mrm

W.P.No.6522 of 2014

23.02.2022