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W.P.No.29478 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29478 of 2018

Mrs.Vasanthi Jaganathan

...Petitioner

Vs.

The Chairman,
The Medical Services Recruitment Board (MRB)
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai – 600 006.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to enlist the petitioner's name in the provisional selection List issued by the respondent dated 30.3.2017 for the post of Temporary Dark Room Assistant and also to direct the respondent to provide the said job to the petitioner, since she is fully qualified for the said post and had duly produced all the necessary documents and certificates as required by the respondent and complied the rules and regulations of the respondent.

For Petitioner : M/s.S.Premalatha

For Respondent : Mr.M.Loganathan
(For MRB)



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ORDER

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The relief sought for in the present writ petition is for a direction to direct the respondent to enlist the petitioner's name in the provisional selection List issued by the respondent dated 30.3.2017 for the post of Temporary Dark Room Assistant and also to direct the respondent to provide the said job to the petitioner, since she is fully qualified for the said post and had duly produced all the necessary documents and certificates as required by the respondent and complied the rules and regulations of the respondent.

2. The petitioner participated in the process of selection for appointment to the post of Dark Room Assistant in the Medical Department.

3. The case of the petitioner was not considered as she possessed the qualification of certificate course in Radiological Assistant from Mother Theresa Post Graduate & Research Institute of Health Sciences was not considered as equivalent for the purpose of appointment in public services in the State of Tamil Nadu.



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4. Thus, the provisional selection of the writ petitioner was withheld during the relevant point of time.

5. The learned counsel for the respondents state that the Directorate of Medical Education, Government of Tamil nadu, started this course to serve in Tamil Nadu Government staff.

6. The Director and the Professor has also stated that the course and the certificate referred for verification obtained by the petitioner is not equivalent to the course conducted by the Tamil Nadu State Government.

7. When the course studied by the petitioner was not considered as equivalent to the course conducted in the State of Tamil Nadu, then there is no reason whatsoever to interfere with the decision of the respondent.

8. Granting equivalence between various courses are to be done by the Government by following the procedures as contemplated. In the present case, the certificate obtained by the petitioner was sent for verification and



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on verification, the authorities competent found that it is not equivalent with reference to the courses conducted by the Tamil Nadu State Government.

When the petitioner is not possessing the course, which is prescribed for appointment to the post of Dark Room Assistant, the relief as such sought for cannot be granted.

9. That apart, the petitioner even at the time of filing of the writ petition was aged about 52 years and now she is around 56 years. Thus, this Court is not inclined to consider the relief as such sought for in the present writ petition.

10. Accordingly, the writ petition stands dismissed. No costs.

31.10.2022

Index : Yes
Speaking order: Yes
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The Chairman,
The Medical Services Recruitment Board (MRB)
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S.M.SUBRAMANIAM, J.

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