



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) Nos.26752, 26767, 26769, 26771, 26773, 26774,
26775, 26782, 26785, 26787, 26792, 26799, 26801 of 2019
and

W.M.P.(MD) Nos.23096, 23099, 23115/2019, 23116 to 23121 of 2019,
23123 to 23128, 23132, 23134, 23135, 23129 to 23131, 23138, 23139,
23141, 23145 to 23149, 23151, 23152, 23154, 23156, 23163, 23166 to
23170 of 2019

and
1366, 1372, 1389, 1391, 1520, 1522, 1523, 1526, 1512, 1517, 1370,
1371, 1373, 1374, 1376, 1377, 1379, 1380, 1453, 1442, 1394, 1395,
1388, 1390, 1392, 1393 of 2020

V.Kalaivani	... Petitioner in WP(MD).26752/2019
K.Shanmuga Ananthan	... Petitioner in WP(MD).26767/2019
S.Ananthi	... Petitioner in WP(MD).26769/2019
R.Alagurani	... Petitioner in WP(MD).26771/2019
A.Lakshmanan	... Petitioner in WP(MD).26773/2019
K.Sobavathy	... Petitioner in WP(MD).26774/2019
G.Saranya	... Petitioner in WP(MD).26775/2019
R.Premalatha	... Petitioner in WP(MD).26782/2019
P.Chithra Devi	... Petitioner in WP(MD).26785/2019
P.Rajkumar	... Petitioner in WP(MD).26787/2019
R.Rakkayee	... Petitioner in WP(MD).26792/2019
S.Nagajothi	... Petitioner in WP(MD).26799/2019
M.Selvi	... Petitioner in WP(MD).26801/2019

-vs-

1.The Member Secretary,
Medical Services Recruitment Board,
(MRB), VII Floor, DMS Building,
No.359, Anna Salai, Teynampet,
Chennai-600 005.

2.The Director,
O/o. The Directorate of Medical and Rural Services,
DMS Building, No. 359, Anna Salai,
Teynampet,
Chennai-600 005.

... Respondents in all WPs



Common Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Provisional Selection List dated 29.11.2019 in No.8/MRB/2016 for the direct recruitment to the posts of Lab Technician Grade-II-2016 by the Respondent No.1 herein pursuant to the Notification No.8/MRB/2016 dated 31.01.2016 on the file of the Respondent No.1 and quash the same as illegal and consequently direct the respondents to call the Petitioner for certificate verification and appoint the Petitioner as Laboratory Technician Grade-II for the direct recruitment to the posts of Lab Technician Grade-II-2016 with consequential benefits within the time stipulated by this Court.

In all W.Ps.

For Petitioner	: Mr.T.Thirumurugan
For R1	: Mr.T.S.Mohammed Mohideen
For R2	: Mr.G.V.Vairam Santhosh
	Additional Government Pleader

COMMON ORDER

The relief sought for in the present writ petitions is to call for the Provisional Selection List dated 29.11.2019 in No.8/MRB/2016 for the direct recruitment to the posts of Lab Technician Grade-II-2016 by the 1st respondent herein pursuant to the Notification No.8/MRB/2016 dated 31.01.2016 on the file of the 1st respondent and quash the same as illegal and consequently direct the respondents to call the petitioners for certificate verification and appoint them as Laboratory Technician Grade-II for direct recruitment to the posts of Lab Technician Grade-II-2016 with consequential benefits.

2. The petitioners have participated in the process of selection for appointment to the post of Lab Technician Grade-II.

3. The grievance of the petitioners is that selection was not made in accordance with the procedures contemplated and weightage mark was given as 50% for Diploma in Medical Laboratory Technology (DMLT), 30% for Higher Secondary Course and 20% for SSLC. The petitioners state that in case, the marks are not specifically awarded for any batch of DMLT (2 years course), then selection for all will be based on the marks scored by the applicants in SSLC and HSC/PUC examinations only and if candidates with DMLT qualification are not available, then same analogy will be applicable to DMLT candidates also.



4. The petitioners further state that they have completed DMLT course and no mark has been awarded and thus, the petitioners filed these writ petitions. The respondents have not considered the seniority of registration in the employment exchange. The petitioners should have been considered as per Clause 7(a) of the Notification dated 31.01.2016. They further state that the claim of the similarly placed persons, who have completed their DMLT course during the year 2007 to 2009 were considered and those candidates were allowed for certificate verification by virtue of the orders passed by this Court in writ petitions.

5. With reference to the grounds raised by the petitioners, the respondents have stated that the petitioners were allowed for certificate verification pursuant to the orders passed by the High Court in writ petitions. Even after the certificate verification, the petitioners were behind the cut off marks and they were not falling within the zone of consideration. Therefore, the petitioners were not selected. The details in this regard are narrated in para 10 the counter filed in W.P.(MD) No.26752 of 2019, which read as under:-

"10. It is submitted that the contention of the petitioner that similarly placed candidates those who underwent the Diploma in Medical Laboratory Technology course during the year 2008 - 2009 were called for Certificate Verification as per the orders dated 19.11.2019 of the Madurai Bench of the Hon'ble High Court of Madras in W.P.(MD) No.24407 of 2019 and 18 other connected writ petitions is true. The first phase of certificate verification for the post of Lab Technician Grade-II for 600 candidates were called in the order of merit and communal roster. Subsequently, an additional list of 660 candidates were called for certificate verification against absentees and shortfall of eligible candidates. In the second phase of certificate verification, 19 writ petitioners in W.P.(MD) No.24407 of 2019 and 18 other connected Writ Petitions were called certificate verification, in obedience with the orders of the Madurai Bench of the Hon'ble High Court of Madras in the above said Writ Petition. Among the 19 writ petitioners, 4 writ petitioners have reached the zone of consideration in the order of merit and communal roster prior to the orders of the Madurai Bench of the Hon'ble High Court of Madras in the second phase of certificate verification. They were also provisionally selected for the post of Lab Technician Grade-II. And the remaining 15 candidates who have not reached the zone of consideration in the order of Merit and Communal roster were not



selected for the post of Lab Technician Grade-II, even though their certificates were verified as per the orders of the Hon'ble High Court."

6. The respective marks scored by the writ petitioners and the cut off marks are tabulated as under:-

S1.No.	W.P. (MD) No.	Required Mark (cut off)	Obtained Mark
1	26752 of 2019	70.77	68.40
2	26767 of 2019	71.27	64.81
3	26769 of 2019	70.77	57.00
4	26771 of 2019	71.23	66.72
5	26773 of 2019	70.77	66.58
6	26774 of 2019	69.25	64.32
7	26775 of 2019	71.27	65.43
8	26782 of 2019	70.77	68.44
9	26785 of 2019	71.27	69.36
10	26787 of 2019	70.77	58.01
11	26792 of 2019	70.77	63.05
12	26799 of 2019	71.27	69.02
13	26801 of 2019	70.77	60.00

7. In view of the fact that the petitioners were permitted to participate in the process of certificate verification and after certificate verification, four candidates were selected and other candidates were not selected, as they were not falling within the zone of consideration, this Court is not inclined to entertain the writ petitions. Accordingly, the petitioners are not entitled for the relief as such sought for in the present writ petitions and the writ petitions stand dismissed. However, there shall be no orders as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O.)

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/ /2022

Sub Assistant Registrar(CS)

abr

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Member Secretary,
Medical Services Recruitment Board,
(MRB), VII Floor, DMS Building,
No.359, Anna Salai, Teynampet,
Chennai-600 005.

2.The Director,
O/o. The Directorate of Medical and Rural Services,
DMS Building, No. 359, Anna Salai,
Teynampet,
Chennai-600 005.

+1 CC to M/s.SPL.GP. (SR-22084[F] dated 28/04/2022)

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-22251[F] dated 28/04/2022)

+1 CC to M/S.T.THIRUMURUGAN, Advocate (SR-22910[F] dated 29/04/2022)

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USK/26.05.2022/5P/6C