



WEB COPY



W.P. No.1381 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.1381 of 2020

1. P.S. Ganesan
2. Killivalavan

.. Petitioners

VS.

The Member Secretary
Medical Services Recruitment Board,
Office of the Director of Medical
and Rural Health Services,
359, 7th Floor,
Anna Salai,
Chennai – 600 006.

.. Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings bearing Pro.No.460/MRB/E4/2012, dated 30.07.2019 on the file of the respondent and to quash the same as unconstitutional, unlawful, unfair, illegal, irrational, perverse, arbitrary & unconstitutional and consequentially direct the respondent to consider the petitioners for appointment to the post of Pharmacists in Government Hospitals/ Primary Health Centres in the State of Tamil Nadu

For Petitioners : Ms.K.Abirami



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W.P. No.1381 of 2020

for
Mr.V. Raghavachari

For Respondent : Mr. M.Loganathan
Standing counsel

ORDER

The petitioners have challenged the impugned order dated 30.07.2019 passed by the respondent rejecting the petitioners' request for being appointed to the post of Pharmacists in Government Hospitals / Primary Health Centres in the State of Tamil Nadu.

2. The reasons given by the respondent for rejecting the petitioners' requests are as follows :-

a) The petitioners have not reached the cut off date in the order of date of the registration in the Employment Exchange seniority and as per the rule of reservation. The date of registration of the petitioners in the Employment Exchange is far beyond the cut off date.

b) During the selection in the year 2014, the cut off date of the candidate provisionally selected in the order of the Employment Exchange seniority by duly following the rule of reservation pertaining to Backward Classes (other than Muslim) is 16.02.1990 (Thiru N.Nelson, No.NGD1990M0001419)

c) The petitioners viz., P.S. Ganesan and



S.Killivalavan, have not reached the cut off date in the order of date of registration in the Employment Exchange seniority and rule of reservation in the year 2014.

d) The method of recruitment for selection to the post of Pharmacists was purely based on the Employment Exchange seniority and the rule of reservation.

e) The petitioners have not reached the seniority in both the selections published in the years 2013 and 2014 and therefore, the question of relaxing the rule pertaining to the age for selection does not arise. In case any relaxation is done, the same would amount to violation of Article 14 of the Constitution of India.

3. Admittedly, as seen from the affidavit filed in support of this writ petition and also after hearing the submissions of the learned counsel for the petitioners, it is clear that the petitioners have registered themselves with the Employment Exchange only after the cut off date as prescribed under the recruitment notification.

4. It is also brought to the notice of this Court by the learned Additional Government Pleader appearing for the respondents that in respect of the 1st petitioner viz., P.S. Ganesan, there are 201 persons ahead of his seniority and in respect of the 2nd petitioner viz.,



W.P. No.1381 of 2020

Killivalavan, there are 111 persons ahead of his seniority. The petitioners have also not challenged the recruitment notification prescribing the age limit. They have also not challenged the appointments made by the respondents, pursuant to the recruitment notification.

5. This Court does not find any infirmity in the impugned order as sufficient reasons have been given by the respondent for rejecting the petitioners' requests for being appointed as Pharmacists in Government Hospitals / Primary Health Centres in the State of Tamil Nadu. Accordingly, there is no merit in this writ petition and the writ petition is dismissed. No costs.

12.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral citation case : Yes / No
vsi2

ABDUL QUDDHOSE, J.



W.P. No.1381 of 2020

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