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Writ Petition Nos.18652, 20211 and 20238 of 2012

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**RESERVED ON : 28.07.2023**

**PRONOUNCED ON :08.08.2023**

**Coram:**

**THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN**

**Writ Petition Nos.18652, 20211 and 20238 of 2012**

**WP No.18652 of 2012**

B.Murugesan

.... Petitioner

Vs.

1. The Collector,  
Collector Office,  
Thiruvannamalai District.

2. The Special Tahsildar,  
(H.W.D.) Taluk Office,  
Polur, Thiruvannamalai.

3. The Director of Employment and  
Training, Guindy,  
Chennai – 600 032.

4. The District Employment Officer,  
Employment Office,  
Vellore – 632 001.

5. The Member Secretary,  
The Medical Service Recruitment Board,  
7<sup>th</sup> Floor, DMS No.359, Anna Salai,  
Teynampet, Chennai – 600 006.

.... Respondents



Writ Petition Nos.18652, 20211 and 20238 of 2012

**Prayer:** This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to Notification No.09/MRB/2002 dated 19.6.2012 office of Medical Service Recruitment Board Chennai-600 006 and quash the same so far as the petitioner is concerned and consider the petitioners representation dated 11.7.2012 and consequently direct the 5th respondent to call for the Certificate Verification on the priority for land acquired person on the basis of Na.Ka.No.1710/2001 dated 30.4.2002 the 2nd respondent viz. Special Tahsildar (H.W.D) Polur, Thiruvannamalai Dist. issued by the 2nd respondent herein and to consider the same and consequently direct the respondent to appoint the petitioner herein as the post of Pharmacist in Special Priority basis of affected person in land acquisition.

For Petitioner : Mr.A.Veeramani

For Respondents : Mr.L.S.M.Hasan Fizal (for R1 to R4)  
Additional Government Pleader  
Mr.M.Loganathan (for R5)  
Standing Counsel

**WP No.20211 of 2012**

S.Chenguttuvan

.... Petitioner

Vs.

1. The Secretary,  
Government of Tamil Nadu,  
Health Department,  
St. George Fort, Chennai – 600 009.

2. The Collector,  
Collector Office, Thiruvannamalai District.

<https://www.mhc.tn.gov.in/judis>



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3. The Special Tahsildar,  
(H.W.D.) Taluk Office,  
Polur, Thiruvannamalai.

4. The Director of Employment and  
Training, Guindy,  
Chennai – 600 032.

5. The District Employment Officer,  
Employment Office,  
Vellore – 632 001.

6. The Member Secretary,  
The Medical Service Recruitment Board,  
7<sup>th</sup> Floor, DMS No.359, Anna Salai,  
Teynampet, Chennai – 600 006.

.... Respondents

**Prayer:** This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to Notification No.09/MRB/2012 dated 19.6.2012 office of the Medical Service Recruitment Board Chennai-6 and quash the same and consequently direct the 6th respondent to call for the certificate verification on the priority for land acquired person on the basis of Na.Ka.No.2393/2003 dated 8.7.2005 the 3rd respondent viz. Special Tahsildar (H.W.D) Polur Thirvannamalai Dist. issued by the 3rd respondent herein and to consider the same and consequently direct the respondent to appoint the petitioner herein as the post of pharmacist in Special Priority basis of affected person in land acquisition.



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For Petitioner : Mr.A.Veeramani

For Respondents : Mr.L.S.M.Hasan Fizal (for R1 to R5)  
Additional Government Pleader  
Mr.M.Loganathan (for R6)  
Standing Counsel

**WP No.20238 of 2012**

M.Salai Sivanesan

.... Petitioner

Vs.

1. The Government of Tamil Nadu,  
Rep. By its Secretary,  
Health Department,  
St. George Fort, Chennai – 600 009.

2. The Collector,  
Collector Office,  
Thiruvannamalai District.

3. The Special Tahsildar,  
(H.W.D.) Taluk Office,  
Polur, Thiruvannamalai.

4. The Director of Employment and  
Training, Guindy,  
Chennai – 600 032.

5. The District Employment Officer,  
Employment Office,  
Vellore – 632 001.

6. The Member Secretary,  
The Medical Service Recruitment Board,  
7<sup>th</sup> Floor, DMS No.359, Anna Salai,  
Teynampet, Chennai – 600 006.

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Writ Petition Nos.18652, 20211 and 20238 of 2012

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For Petitioner : Mr.A.Veeramani

For Respondents : Mr.L.S.M.Hasan Fizal (for R1 to R5)  
Additional Government Pleader

Mr.M.Loganathan (for R6)  
Standing Counsel

### **COMMON ORDER**

All these three writ petitions have been filed by the petitioners on the footing that they have grievances that they have not selected under the priority basis viz., 'Land Acquired Affected Person' category and prayed for a direction to the respondent-Medical Services Recruitment Board to appoint them in the post of Pharmacists, as per G.O.Ms.No.188, Personnel and Administrative Reforms Department dated 28.12.1976.

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2. As facts pleaded and submissions made in all these three writ petitions are common, by consent of all parties, these writ petitions are taken up together, heard and disposed of by way of this common order.

3. Heard the learned counsel appearing on either side and perused the documents.

4. All the petitioners have got priority certificate issued by the Special Tahsildar, Land Acquisition for Adi Dravidar Welfare and their lands have been acquired for the provision of house sites to the Adi Dravidars in the respective village.

5. The priority certificates were issued to the petitioners viz., B.Murugesan on 30.04.2002, S.Chenguttuvan on 08.07.2005 and M.Salai Sivanesan on 08.07.2005, by the Special Tahsildar and despite the 'Land Acquired Affected Person' certificates viz., priority certificates, the petitioners' names were not sponsored by the 4<sup>th</sup> and 5<sup>th</sup> respondents viz., District Employment Officer and consequently, they seek the above said prayer.



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6. From the counter filed by the 6<sup>th</sup> respondent on behalf of Medical Services Recruitment Board, I find that in G.O.(Ms.) No.1, Health and Family Welfare (C2) Department dated 02.01.2012, orders have been issued constituting the Medical Services Recruitment Board so as to centralize the mode of direct recruitment for all categories of posts in the Health and Family Welfare Department.

7. Accordingly, vacancies pertaining to the post of Pharmacists have been furnished to Medical Services Recruitment Board based on the list furnished by the Director of Employment and Training for filling up of 346 vacant posts of Pharmacist.

8. The Medical Services Recruitment Board in its Notification No.9/MRB/2012, dated 19.06.2012 have called for 1757 candidates for certificate verification in respect of 346 vacancies existing in five Directorates. Consequent to the notification, the certificate verification programme was held from 03.7.2012 to 19.07.2012 and 1316 candidates have attended and 466 candidates were absent. But the petitioners names were not sponsored by the Employment Exchange under the Priority-land affected persons.



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9. It remains to be stated that due to the pendency of certain writ petitions filed by the unemployed Pharmacists before the Principal Bench as well as the Madurai Bench, the Government has constituted a committee consisting of Director of Medical Education, Director of Medical and Rural Health Services (ESI), Director of Public Health and Preventive Medicine, vide G.O.Ms.No.328 Health and Family Welfare (C1) Department dated 08.10.2009.

10. With regard to the alleged priority claimed by the petitioners, two Government orders are governing the field i.e. G.O.Ms.No.188, Personnel and Administrative Reforms Department dated 28.12.1976 and G.O.(Ms.) No.1, Health and Family Welfare (C2) Department dated 02.01.2012 as stated supra.

11. In G.O.Ms.No.188, Personnel and Administrative Reforms Department dated 28.12.1976, the Government have ordered and classified the order of priorities with regard to the provision of employment assistance through employment exchange into four groups. In group II, the order of priority is as follows:



**Group-II**

- (i) Destitute Widows
- (ii) Inter-caste married couple
- (iii) Ex-Servicemen and Ex-Indian Peace Keeping Force Personnel and the wives, sons and unmarried daughter of serving military personnel or Ex-servicemen and Ex-Indian Peace Keeping Force; The legal heirs of freedom fighters and Tamil Savants.
- (iv) Indian Nationals returning from Burma/Srilanka and East African Countries of Kenya, Uganda and Tanzania due to repatriation.
- (v) Members of the family (including members of scheduled castes / scheduled tribes) whose lands have been acquired for Government purposes as well as for the projects of the Public Sector Undertakings.

12. The grievance of the petitioners as stated supra is that they are not given special priority though they have produced necessary priority certificate given by the Special Tahsildar and had they been given special priority all the petitioners could have been considered for the post of the Pharmacist to be recruited by the Respondent-Medical Services Recruitment Board.

13. From the counter filed by the 5<sup>th</sup> Respondent-District Employment Officer, adopted by the 4<sup>th</sup> respondent-Director of Employment, I find that the Commissioner for Employment and Training had sponsored the candidates in the order of seniority i.e. Firstly the name of the candidates registered under the



category of Destitute Widows. Secondly, the names of the candidates registered under the category of Inter-Caste Married couple and so on. Based on the seniority of candidates sponsored by the Director of Employment and Training, the candidates were selected and appointed as Pharmacists. The candidates belonging to Destitute Widows and Inter caste married couple were appointed as Pharmacist as they have reached their turn. The candidates registered under Land Acquired category were not appointed as Pharmacists, as they have not reached their turn.

14. So also I find that the communal reservation and cut off seniority, order of priority, will also account for priority vacancy. The priority vacancy and also State-wide cut off seniority will be arrived and hence mere registration of priority certificate, cannot be construed that he/she will be given appointment in the shortest time.

15. From the counter, it is demonstrated that the procedures contemplated under G.O.Ms.No.188, Personnel and Administrative Reforms Department dated 28.12.1976, is scrupulously followed by the District Employment Exchange. Therefore, taking into consideration the factual position stated by the 4<sup>th</sup> respondent and 5<sup>th</sup> respondent, District Employment



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Officer and also the counter filed by the Government that all these petitioners' names were not nominated as Pharmacists, as they have not reached their turn, all these writ petitions are devoid of merits and hence, they are dismissed. No Costs.

Index : Yes/No  
Speaking order / Non-speaking order  
Neutral Citation: Yes/No.  
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**RMT.TEEKAA RAMAN,J**  
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**common order in**  
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