



WEB COPY



W.P.No.20037 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20037 of 2013
and MP.No.2 of 2013

T.Kavitha

... Petitioner

Vs.

1. The Tamil Nadu Public Service Commission (TNPSC),
Rep. by its Secretary,
No.3, Frazer Bridge Road,
V.O.C. Nagar,
Chennai 600 003.
2. The Govt. of Tamil Nadu,
Rep. by the Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai 600 009.
3. Chinnasamy
(Registration No.48112091)
C/o The Tamil Nadu Public Service Commission (TNPSC),
No.3, Frazer Bridge Road,
V.O.C. Nagar,
Chennai 600 003.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records relating to the results of the Oral Test for appointment by direct recruitment to the post of Asst. Medical Officer (Siddha) in the Tamil Nadu Medical Service



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2009-2012 insofar as it relates to the petitioner's Registration No.48112040 and the 3rd respondent Registration No.48112091 and quash the same insofar as it relates to the award of lesser marks to the petitioner and higher marks to the 3rd respondent herein and direct the respondents 1 and 2 herein to select and appoint the petitioner herein to the post of Assistant Medical Officer (Siddha) under M.B.C./D.C. General (Ortho) (PSTM) category, pursuant to the Notification No.48/2012, dated 16.12.2012 of the first respondent herein.

For Petitioner : Mr.A.G.Abhishek
for M/s.A.L.Ganthimathi
For Respondents
for R1 : Mr.G.Hema
for R2 : Mr.V.Veluchamy
for R3 : Mr.S.Gunaseelan

ORDER

The Writ Petition has been filed challenging the appointment of third respondent to the post of Assistant Medical Officer in the Tamil Nadu Medical Service.

2. Heard both sides and perused the materials available on record.

3. The petitioner is qualified with the Bachelor of Siddha Medicine and



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Surgery (BSMS) under the Tamil Nadu Dr. MGR Medical University. She also obtained Post Graduation in Doctor of Medicine in Siddha. On earlier occasions when the Department called applications for selection to the post of Assistant Medical Officer, the petitioner attended written examination and participated in the interview and, but she was not selected.

4. On 16.11.2012, the first respondent issued a notification calling application for various posts inclusive of 83 posts of Assistant Medical Officers (Siddha) and out of 83 posts, one post was reserved for MBC/DC candidate coming under General (Ortho) (PSTM) category. The petitioner is eligible for reservation under the physically handicapped quota. Therefore, she applied for the said post and attended written examination. Following the written examination, she appeared for interview on 10.07.2013. She was awarded with 184.50 marks in the written examination and 27 marks in the oral test. In total she scored 211.50 marks. Whereas the third respondent, who is also coming under the MBC/DC category, had scored 184.50 marks in the Written examination and 30 marks in the oral test and totally he scored 211.50 marks. Therefore, the third respondent has been selected to the post of Assistant Medical Officer and he is now working as Assistant Medical Officer.



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5. The petitioner challenges the selection of the third respondent only on the ground that in the earlier occasions, he scored 30 marks in the oral test and she is also senior to the third respondent while completing her graduation in BSMS.

6. It is to be seen that the petitioner scored 30 marks in the earlier interview and the same cannot be compared with the marks awarded in the present interview. Further, though the petitioner is senior to the third respondent in graduation, it is not a ground to challenge the selection of the third respondent as there is no weightage of marks for the said seniority.

7. Therefore, the Writ Petition is devoid of merits and it is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.08.2023

Index : Yes / No
Speaking / Non Speaking order
pvs



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To

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No.3, Frazer Bridge Road,
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Chennai 600 003.
2. The Secretary to Government,
The Govt. of Tamil Nadu,
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