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W.P.No.36668 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.36668 of 2016
and W.M.P.No.32524 of 2016

V.C.Deepak Saravanan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat, Chennai-600 009.
2. The Tamil Nadu Dr.MGR Medical University,
Rep by its Registrar,
Guindy, Chennai-600 032.
3. The Registrar,
The Tamil Nadu Dr.MGR Medical University,
Guindy, Chennai-600 032

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned communication of the 3rd respondent by his Proceedings in Rc.No.EII(2)/09404/2016 dated 08.10.2016 and quash the same and consequently direct the 3rd respondent to consider the application of the petitioner for the post of Assistant without reference to the recruitment of qualification in typewriting both in English and Tamil in higher/senior grade as contemplated in the Notification dated nil by invoking the power under Clause



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28 of the Service Statutes of Establishment of the Tamil Nadu

Dr.M.G.R.Medical University, Chennai.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.T.M.Rajangam
Government Advocate
For R.1
Mr.R.Imayavaramban
For M/s Ramalingam Associates
For R.2 and R.3

ORDER

The petitioner herein is an unsuccessful candidate who has participated in the direct recruitment to the post of Assistant conducted by Tamil Nadu Dr.M.G.R University for the year 2016. His candidature was rejected on the ground that he does not possess the technical qualification in typewriting both English and Tamil higher grade and senior grade through the impugned order dated 08.10.2016. As per the Notification, for direct recruit, the second respondent, herein, has prescribed the following qualification:

“ QUALIFICATIONS:

(i) Must possess a Degree.

The Degree shall be in the education pattern of 10+2+3 (i.e) the Degree shall be passed after passing Tenth Standard and Higher Secondary Examinations

ii) Must have passed Typewriting both in English & Tamil in Higher/Senior Grade.”

2. Though the petitioner herein possesses degree qualification of B.Tech

(EEE), admittedly, he does not possess the technical qualification in typewriting



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both in English and Tamil in higher grade and senior grade.

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3. Learned counsel for the petitioner submits that a technical qualification for the post of Assistant is unwarranted and therefore, the same cannot be made mandatory. Learned counsel further submits that the second respondent herein should relax the condition in the petitioner's case for the purpose of considering his candidature.

4. Per contra, learned Standing Counsel appearing for the respondents 2 and 3 submits that one of the essential qualifications for the post of Assistant is “pass in typewriting both in English and Tamil in higher and senior grade” and since the petitioner did not have this qualification, there is no infirmity in the action of the respondents in disqualifying his candidature.

5. It is a settled proposition of law that when a recruitment agency prescribes certain essential qualification in recruitment process, the same would not be interfered with or a direction be given for relaxation of such condition unless such a condition itself is put under challenge before this Court.

6. In the instant case, the petitioner has not challenged the Notification nor the essential qualification prescribed therein. On the other hand, he is



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aggrieved only against the consequential order passed by the respondents, clarifying the rejection of his candidature. Even assuming that the technical qualification prescribed in the direct recruitment notification is arbitrary, this Court, exercising its power under Article 226 of the Constitution of India, will not venture into setting aside such a qualification prescribed by recruitment agency unless such a prescription of qualification is challenged before this Court.

7. Thus, I do not find any ground to interfere with the impugned order, communicating the reason for the petitioner's rejection of his candidature.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2023

Speaking/Non-speaking order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes/No

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To

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M.S.RAMESH,J.

Sr

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