



WEB COPY



W.P.No.40338 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.40338 of 2016

and

W.M.P.Nos.34410 & 34411 of 2016

M.Revathi

... Petitioner

Vs.

1.The Secretary to the Government,
Department of Health and Family Welfare,
Fort St. George, Chennai.

2.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai - 600 006.

3.The Director,
Directorate of Medical Education (DME),
156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet, Chennai, Tamil Nadu - 600 031.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant petitioner the appointment to the post of Audiometrician in consideration of the representation dated 07.11.2016.



WEB COPY



W.P.No.40338 of 2016

For Petitioner : Mr. M.Vijayamehanath
for M/s.AAV Partners

For Respondents :
For R1 & R3 : Mr. D.Gopal
Government Advocate

For R2 : Mr. M.Loganathan
Standing Counsel

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to direct the respondents to appoint the petitioner to the post of Audiometrician, in consideration of the representation dated 07.11.2016.

2. The specific case of the writ petitioner is that she had passed Higher Secondary Course Examination and applied for Audiometry Course. She was selected and she also completed the said course. The second respondent invited the applications through online mode for filling up Audiometrician vacancies vide Notification No.3/MRB/2016 dated 24.01.2016.

3. The petitioner submitted her application through online on 08.02.2016 and was also called upon to appear in person for verification of original



W.P.No.40338 of 2016

certificates on 24.02.2016, which exercise was also duly complied by the petitioner.

4. According to the petitioner, the second respondent has not published the final selection results. The petitioner is possessed of all the necessary qualifications, more particularly, the Paramedical Course Certificate in Audiometry from a Government recognized Institution.

5. Despite the same, in the provisional list published by the second respondent on 02.11.2016, her name was omitted. When she approached the second respondent, it was informed that her candidature was rejected as she did not possess the basic qualification of Higher Secondary Course with Physics, Chemistry, Botany and Zoology. Immediately, the petitioner has given a written representation on 07.11.2016, seeking indulgence of the respondents to consider her candidature favourably.

6. Though the prayer regarding appointment to the post of Audiometrician cannot be granted by this Court, a direction can be issued.



W.P.No.40338 of 2016

WEB COPY

7. The representation given by the writ petitioner, which is pending on the file of the respondents can certainly be disposed on merits to enable/pursue the petitioner to take further legal course of action.

8. The respondents have filed their detailed counter affidavit, citing the change in the requirements regarding qualifications and justified the non-inclusion of the petitioner. The petitioner has completed her course in the year 2012 and made an application in the year 2016 in terms of the advertisement published by the respondents and therefore, the subsequent change in requirements or qualifications cannot be put against the petitioner without affording her a reasonable opportunity.

9. This Court therefore feels, it would be in the interests of justice, if the representation dated 07.11.2016 is taken up by the first respondent and if necessary, a personal hearing may be afforded to the petitioner and thereafter, the first respondent may pass orders on merits and dispose the representation of the petitioner dated 07.11.2016, within a period of four weeks from the date of receipt of a copy of this order.



W.P.No.40338 of 2016

WEB COPY 10. This Writ Petition is disposed of accordingly. No costs.

Consequently, connected Writ Miscellaneous Petitions are closed.

08.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

arb

To

- 1.The Secretary to the Government,
Department of Health and Family Welfare,
Fort St. George, Chennai.
- 2.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai - 600 006.
- 3.The Director,
Directorate of Medical Education (DME),
156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet, Chennai, Tamil Nadu - 600 031.



WEB COPY



W.P.No.40338 of 2016

P.B.BALAJI, J.

arb

W.P.No.40338 of 2016
and
W.M.P.Nos.34410 & 34411 of 2016

08.06.2023