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WP.No.836/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.09.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.836/2017 & WMP.Nos.837/2017 & 1357/2018

G.Vennila

... Petitioner

Versus

1.The Director,
Medical and Rural Development
DMS Complex, Teynampet
Chennai 18.

2.The Member Secretary
Medical Services Recruitment Board
DMS Complex, Teynampet
Chennai 18.

3.The Director of Employment and Training
District Employment Office
Cuddalore.

... Respondents

****R3 deleted vide order of this Court made
today in this order.**

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records in respect of notification No.3mRB/2016 dated



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02.11.2016 passed by 2nd respondent and quash the same and consequently direct the 2nd respondent to reselect the candidates by including the petitioner.

For Petitioner	:	Mr.D.Rajagopal
For RR 1 & 3	:	Mr.R.Surendharan, AGP
For R2	:	Mr.L.Murugavelu
		Standing counsel

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus seeking entire records relating to the Notification No.3MRB/2016 dated 02.11.2016 passed by the 2nd respondent, Member Secretary, Medical Services Recruitment Board, Chennai and to quash the same and to direct the said respondent to reselect the candidates and also select the petitioner herein.
- (2) In the affidavit filed in support of the writ petition, the petitioner stated that she completed her Higher Secondary in March 2005 and also studied Audio Metric in Madras Medical College and completed the same in 2013. She had also registered herself in the Employment Exchange at Cuddalore in the year 2005 and had also registered her further qualifications with the said Employment Exchange. It had



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also been stated that the petitioner was eligible to be appointed to the post of Audio Metrician. The 2nd respondent, Medical Services Recruitment Board, had sent a communication to the petitioner on 07.10.2015 and again on 30.12.2015 that 17 posts of Audio Metricians were vacant and the petitioner could apply for the same online. The petitioner had also applied and thereafter, there was no communication received from the respondents. The petitioner then found that the list of candidates had been published, but her name was not included. Complaining that she had been overlooked though she was senior so far as registration in the Employment Exchange is concerned, the writ petition has been filed seeking to set aside the selection list and to reselect the candidates.

- (3) The 2nd respondent had filed a counter affidavit wherein it had been stated that the 3rd respondent had issued a Notification for recruitment to 17 posts of Audio Metricians. It had been stated that the petitioner who belonged to Scheduled Caste category, had secured 23.47 marks out of 50. The marks were calculated on the basis of the marks obtained in 10th standard/SSLC for which 20% was given and Higher



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Secondary for which 30% was given. The weightage of the marks obtained in 10th standard and 12th standard alone were taken. For the Audio Metric Course, only Certificates were given and therefore, there was no weightage of marks which could be possibly given for such Certificate Course. It had been stated that the petitioner scored 23.47 marks out of 50, but the last candidate who was selected under Scheduled Caste category, Lingaraj had scored 30.07 marks out of 50. The last candidate under the Scheduled Caste Women category, T.Saranya had secured 29.82 marks. Thus, the petitioner's aggregate in her 10th and 12th standards taken in the proportion of 20% and 30% respectively, did not go beyond the qualifying marks or was not above the last candidate, who had scored more marks.

- (4) Thus, there was no possibility on the petitioner being selected in view of that particular fact. The relief sought by the petitioner namely, to reselect the entire list, cannot be countenanced by this Court.
- (5) The learned counsel for the petitioner also stated that further instructions could not be obtained from the petitioner herein and therefore, the order is passed based on records available in the Court.



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(6) An application had also been filed by the 3rd respondent, Director of Employment and Training in Wmp.No.1357/2018 seeking to delete the 3rd respondent.

(7) It is seen that even if relief had been granted, inclusion of the 3rd respondent would not give any additional advantage to the petitioner herein. Therefore, the said application in **WMP.No.1357/2018** is **allowed**.

(8) Registry may delete the 3rd respondent before issuing the order copy.

(9) In view of the fact that the petitioner had unfortunately not secured more marks than the last mark scored by the candidates either under Scheduled Caste category or under Scheduled Caste Woman Category, the writ petition has to suffer an order of dismissal.

(10) Accordingly, the writ petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition in WMP.No.837/2017 is closed.

12.09.2023

AP
Internet : Yes



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C.V.KARTHIKEYAN, J.,

AP

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