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WP.No.27732 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.27732 of 2023
and W.M.P.Nos.27214, 27215 & 27217 of 2023

S.Nandhitha

.. Petitioner

Versus

1.The Government of Tamil Nadu
Rep by its Secretary to Government
Department of Health and Family Welfare
Fort St.George, Chennai – 600 009

2.The Special Secretary to Government
Department of Health and Family Welfare
Medical Services Recruitment Board
Fort St.George, Chennai – 600 009

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

4.The Director
Directorate of Medical & Rural Health Services
DMS Building, 359, Anna Salai, Teynampet
Chennai – 600 006

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India

praying to issue a Writ of Certiorarified Mandamus, calling for the records on



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the file of the 3rd respondent in Notification No.05/MRB/2023 dated 20.06.2023 and CV Intimation No.05/MRB/2023 dated 13.09.2023 and quash the same as illegal and direct the respondent to fill up the vacancy for the year 2020 as per Notification No.10/MRB/2020 dated 03.12.2020 and consequently direct the respondents to appoint the petitioner in unfilled posts in Notification No.10/MRB/2020 dated 03.12.2020 or in Notification No.05/MRB/2023 dated 20.06.2023.

For Petitioner : Mr.Reshmi Christy

For Respondents : Mr.P.Kumaresan, AAG for R1, 2 & 4
assisted by Mr.M.Alagu Goutham
Government Advocate
Mr.L.Murugavelu for R3

ORDER

This writ petition has been filed challenging the notification of the third respondent in Notification No.05/MRB/2023 dated 20.06.2023 and CV Intimation No.05/MRB/2023 dated 13.09.2023, quash the same as illegal and direct the respondent to fill up the vacancy for the year 2020 as per Notification No.10/MRB/2020 dated 03.12.2020 and consequently direct the respondents to appoint the petitioner in unfilled posts in Notification No.10/MRB/2020 dated 03.12.2020 or in Notification No.05/MRB/2023 dated 20.06.2023.



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2. It is the case of the writ petitioner that originally the respondent has issued a notification on 03.12.2020 for the post of Therapeutic Assistant. As per the said notification, there are 9 vacancies for backward community. The petitioner has qualified and secured 71.49 weightage mark and it is the contention that in the certificate verification, several candidates did not attend the verification and later only 6 vacancies were filled in the Backward Communal category and three vacancies were left vacant. It is the grievance of the writ petitioner that instead of calling the petitioner who has secured 71.49 marks in B.C Community for certificate verification, the respondents has now issued the impugned notification. Hence, seeks to quash the notification.

3. It is the contention of the writ petitioner that the petitioner has not called for certificate verification and also interview, if she had called, she would have been selected.

4. It is relevant to note that once the 2nd certificate verification is conducted, none appeared and the said vacancies remained and not filled. After one year, the backlog vacancies have been carried forward in the next notification. Such view of the matter, as a matter of right, the petitioner cannot seek appointment in respect of the notification issued in the year 2020 as the



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selection list already lapsed after one year.

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5. Accordingly, I do not find any merits in the case and this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

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N.SATHISH KUMAR, J.

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