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W.P.No.4094 of 2024, etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.4094, 4101, 4103, 4120, 4121, 4124, 4127,
4138 & 4142 of 2024 and
WMP.Nos.4409, 4429, 4416, 4413, 4432, 4435, 4437,
4443 & 4448 of 2024

WP.No.4094 of 2024

V.Uma

... Petitioner

Vs.

- 1.The Member Secretary,
Medical Services Recruitment Board,
Government of Tamilnadu,
359, Anna Salai, Chennai-6
- 2.The Secretary,
Health Department,
Government of Tamilnadu,
Chennai
- 3.The Union of India,
Represented by its Secretary,
Ministry of Health and Family Welfare,
Government of India, New Delhi

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a writ of certiorari calling for records pertaining to



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notification of the selected list vide CV intimation No.01/MRB/2023

dated 08.02.2024 issued by the respondent No.1 and to quash the same.

For Petitioner
in all WP's : Mr.P.Vetrivel

For Respondents
in all WP's

For R1 : Mr.L.Murugavelu,
Standing Counsel

For R2 : Mr.M.Brindan,
Additional Government Pleader

COMMON ORDER

All the writ petitions have been filed challenging the selection list dated 08.02.2024 for the post of Theatre Assistant.

2. The petitioners are qualified with Certificate Course in Theatre Technician. They had also completed under graduation in various subjects. They were also employed as Theatre Assistant in private hospitals. While being so, the first respondent issued notification No.1/MRB/2023 dated 03.02.2023 inviting applications for direct recruitment on temporary basis to the post of Theatre Assistant. The



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qualification prescribed under notification is as follows:

S. No.	Name of the post	Qualification
1	Theatre Assistant	a.A Pass in Higher Secondary Course with the science subjects of Physics, Chemistry, Botany and Zoology or Physics, Chemistry and Biology and b. One Year certificate course in Theatre Technician conducted by the Government Medical Institutions under the control of the Director of Medical Education or in any other institutions recognized by the State or Central Government

3. The procedure for selection as per the notification is that based on the marks scored by the candidates in their academic and technical qualifications post of Theatre Assistant duly followed the rules of reservation and communal rotation issued by the Government of Tamilnadu and satisfaction of the qualification and other conditions. It is also to be noted that there will be no oral test. The petitioners had submitted their applications and all the petitioners were qualified for certificate verification. After certificate verification, selection list was published, in which the petitioners were not selected.



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4. The learned counsel for the petitioners submitted that some of the petitioners worked during Covid 19 and even then, they were not granted any incentive marks. That apart, they were not given priority in view of the reservation for the students completed education in Tamil medium.

5. On instructions, the learned counsel appearing for the respondents submitted that all the petitioners were not coming under the zone of consideration in their respective community category. They secured marks lower than the persons who were selected for the said post.

6. That apart, on perusal of the notification, it does not say about the incentive marks awarded for the candidates who had worked during Covid 19 pandemic circumstances. Further, as per their marks obtained in 10th, 12th standard and their respective one year certificate course in Theatre Technician, they were not coming under the zone of consideration for selection to the post of Theatre Assistant. If at all the



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G.K.ILANTHIRAIYAN, J.

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To

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359, Anna Salai, Chennai-6
- 2.The Secretary,
Health Department,
Government of Tamilnadu,
Chennai
- 3.Secretary,
The Union of India,
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