



WEB COPY



W.P.No.4979 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM:

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

W.P.No.4979 of 2024
and W.M.P.Nos.5467, 5469 and 5470 of 2024

Kalaivanan

...Petitioner

-Vs-

1. The State of Tamil Nadu,
represented by its
Principal Secretary,
Health Department,
St.Fort George,
Chennai.
2. The Chairman,
Medical Service Recruitment Board,
7th Floor, 359, Anna Salai,
Teynampet, Chennai.
3. The Director of Medical Education,
162, Periyar EVR Road, Kilpauk,
Chennai.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire record relating to the notification of the 2nd respondent in Notification No.08/ MRB / 2023 dated 01.08.2023 and consequential CV intimation No.08/ MRD / 2023 dated 07.02.2024 and quash the same as illegal and direct the 2nd



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respondent to select the petitioner for the post of ECG Technician by awarding Weightage marks to certificate course and following the G.O.(D) No.1374, Health and Family Welfare (L1) Department dated 07.11.2023.

For Petitioner : Mr.S.Muthukrishnan
For R1 and R3 : Mr.G.Ameedius
Government Advocate
For R2 : Mr.L.Murugavelu
Standing Counsel

ORDER

This writ petition has been filed for the issuance of Writ of Certiorarified Mandamus calling for the entire record relating to the notification of the 2nd respondent in Notification No.08/ MRB / 2023 dated 01.08.2023 and consequential CV intimation No.08/ MRD / 2023 dated 07.02.2024 and quash the same as illegal and direct the 2nd respondent to select the petitioner for the post of ECG Technician by awarding Weightage marks to certificate course and following the G.O.(D) No.1374, Health and Family Welfare (L1) Department dated 07.11.2023.

2. Heard the learned counsel on either side and perused the materials available on record.



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3. The petitioner is qualified with Para Medical certificate course in ECG, EMG, EEG Technician at Stanley Medical College, Chennai. The petitioner had registered his qualification in the employment exchange. While being so, the second respondent issued a notification on 01.08.2023 inviting online application for direct recruitment on temporary basis to the post of ECG Technician. The educational qualification for the post of ECG Technician is SSLC, HSC and certificate course in ECG/Treadmill Technician. The petitioner had applied for the said post. However, he was not awarded any weightage mark for certificate course. That apart, the petitioner had worked as ECG Technician temporarily during COVID-19.

4. On instructions, the learned counsel for the respondents submitted that the petitioner is coming under BC General category and he had secured 31.42 marks. Whereas, the last candidate who was selected to the said post under BC General category had secured 32.94 marks. That apart, the weightage marks were calculated only for SSLC and HSC. All the communities were awarded equal 50 marks for Para Medical course. Therefore, the petitioner was not coming under the zone of consideration. Further, as per the notification, no preference would be given for those who had worked during COVID-19.



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Further, having been participated in the selection process as per the notification dated 01.08.2023, the petitioner cannot challenge the notification for the reason that he was not selected to the said post.

5. In view of the above, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

01.03.2024
(2/2)

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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To

1. The Principal Secretary,
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G.K.ILANTHIRAIYAN. J,

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