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W.P.Nos.7205 and 9731 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM:

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

W.P.Nos.7205 and 9731 of 2022
and W.M.P.Nos.7232 and 9447 of 2022

W.P.No.7205 of 2022:-

1. S.Dineshkumar
2. S.Alim Imran
3. R.Ganesan
4. A.Nilobar Jahan
5. K.Hanitha
6. K.D.Karthik

... Petitioners

Vs

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
2. The Director of Medical Education,
Kilpauk,
Chennai – 600 010.
3. The Secretary,
Medical Services Recruitment Board,
7th Floor, D.M.S.Building,
No.359, Anna Salai,
Chennai – 600 006.

.... Respondents

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



W.P.Nos.7205 and 9731 of 2022

praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioners to submit their applications and permit them to participate in the selection process for the post of Dark Room Assistant in pursuant to the notification issued by third Respondent vide Notification No.08 / MRB / 2022 dated 16.03.2022.

For Petitioners	: Mr.R.Jayaprakash
For R1 and R2	: Mr.M.Brindan Additional Government Pleader
For R3	: Mr.L.Murugavelu Standing Counsel

W.P.No.9731 of 2022:-

1. R.Anbarasu
2. K.Niranjana
3. A.Gowtham
4. J.Jeenath Begam
5. N.Bakkiyalakshmi
6. V.Archana
7. P.Priyadharshini
8. R.Manjutha Rajakumari
9. S.Sarathi
10. N.Maha lakshmi
11. R.Anand
12. D.Abirami
13. M.Saranya
14. T.Saraswathi
15. K.M.Muhamedh Mufazil
16. R.Yasodha
17. K.Bharathi
18. B.Jennilara
19. P.Punitha
20. Hema Latha VP
21. N Sarpudheen
22. A.Rajalakshmi
23. R.Dhivyabharathi



W.P.Nos.7205 and 9731 of 2022

24. P.Kavitha
25. B.Priyanka
26. V.Arun
27. Mohamed Riyas
28. M.Abirami
29. A.M.Kalki
30. B.Sowndharya
31. R.Monisha
32. A.Abarna
33. K.Meera
34. S.Manjula
35. D.Keerthiga
36. R.Divya
37. S.Nagalakshmi
38. P.V.Porkodi
39. G.Nithyalakshmi
40. G.P.Elizabeth Suji Sumith

... Petitioners

Vs

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Secretariat,
Chennai – 9.
2. The Director of Medical Education,
Kilpauk, Chennai – 10.
3. The Secretary,
Medical Services Recruitment Board,
7th Floor, D.M.S.Building,
No.359, Anna Salai,
Chennai – 6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to accept the applications of the petitioners for the post of Dark Room Assistant applied through online pursuant to the notifications No.08/MRB/ 2022 dated



W.P.Nos.7205 and 9731 of 2022

16.03.2022 thereby permitting the petitioners to take part in the process of selection to be considered for appointment in the light of the order passed by this Court in W.P.No.4761 of 2018 dated 15.03.2018 and W.P.No.6472 of 2018 dated 21.03.2018.

For Petitioners : Mr.S.Conscious Ilango
For R1 and R2 : Mr.M.Brindan
Additional Government Pleader
For R3 : Mr.L.Murugavelu
Standing Counsel

COMMON ORDER

These writ petitions have been filed for direction directing the respondents to permit the petitioners to submit their application and permit them to participate in the selection process for the post of Dark Room Assistant, pursuant to the notification dated 16.03.2022, issued by the third respondent.

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

3. The petitioners are qualified with SSLC, Higher Secondary course in the subjects Physics, Chemistry, Biology and Mathematics and qualified with B.Sc (Radiology and Imaging Technology). While being so, the third



W.P.Nos.7205 and 9731 of 2022

respondent issued a notification dated 16.03.2022, thereby calling for applications for direct recruitment to the post of Dark Room Assistant in the Tamil Nadu Medical Subordinate Service to fill up 209 vacancies.

4. As per the notification dated 16.03.2022, the educational qualification prescribed for the said post is given in Clause 6B of the notification as follows:-

“Candidate shall possess the following qualification on the date of this notification viz. 16.03.2022

S.No	Name of the post	Qualification
1.	Dark Room Assistant	i. A pass in Higher Secondary Course with Science Subjects (a) Physics, Chemistry, Botany and Zoology; (or) (b) Physics, Chemistry, Biology and any one of the related subjects (viz) Mathematics or Computer Science; And ii. Certificate of having successfully completed the training course for Dark Room Assistant of any Institution recognised by the State Government (or) Government of India. Provided that if candidates with the certificates of Dark Room Assistant are not available, then candidates with certificate of radiological Assistant of any Institution recognised by the State Government or Government of India with or without Science in Higher Secondary Course, shall be appointed. Provided also that if candidates with Certificate of Radiological Assistant are also not available then Candidates with Diploma in Radio Diagnosis or Diploma in Radio Therapy of any institution recognized by the State Government or Government of India shall be appointed.

5. However, the petitioners, being degree holders in very same discipline



W.P.Nos.7205 and 9731 of 2022

viz., Radiology or Diploma in Radiotherapy are not eligible to apply for the post of Dark Room Assistant, since the eligibility for applying to the said post as per the notification is only Diploma course in the very same discipline.

6. This Court, repeatedly held in several writ petitions that the degree completed by the petitioners in the very same discipline are also eligible to apply for the post of Dark Room Assistant. By way of interim orders, this Court already permitted the petitioners to apply for the said post. However, the respondents failed to produce any selection list so far, though this Court issued specific directions so as to whether the petitioners' qualifications were considered for selection to the post of Dark Room Assistant.

7. A perusal of the counter filed by the third respondent and the submissions made by the learned Standing Counsel appearing for the third respondent revealed that the Medical Services Recruitment Board is not concerned with framing of rules or educational qualifications. It cannot go beyond the role in any selection process. It can follow only the prescribed qualification based on rule governing the post furnished by the indenting authority. As per the notification, the petitioners are not eligible to apply to the post of Dark Room Assistant in the Tamil Nadu Medical Subordinate Service.



W.P.Nos.7205 and 9731 of 2022

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8. Though the applications of the petitioners were received, in view of the interim order passed by this Court, whether their candidature were considered for selection to the post of Dark Room Assistant or not is not reported to this Court.

9. As stated supra, admittedly, the petitioners completed their degree in the very same discipline as per the qualification mentioned in the Clause 6B of the notification are eligible to apply for the post of Dark Room Assistant and their candidature shall be considered for selection process.

10. In view of the above, the respondents are directed to consider the petitioners' candidature to the post of Dark Room Assistant in the selection process.

11. With the above directions, these Writ Petitions stand allowed. Consequently, connected Miscellaneous petitions are closed. No costs.

15.07.2024
(½)

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No



W.P.Nos.7205 and 9731 of 2022

Speaking/Non Speaking order
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W.P.Nos.7205 and 9731 of 2022

To

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
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Chennai – 600 009.
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