



W.P.No.22380 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22380 of 2024

and

W.M.P.Nos.24376 & 24377 of 2024

J.Chandramohan

.. Petitioner

Vs.

- 1.The Member Secretary,
Medical Services Recruitment Board (MRB),
7th floor, DMS Building,
No.359, Anna Salai, Teynampet,
Chennai – 600 006.
- 2.The Chairman,
Medical Services Recruitment Board (MRB),
7th floor, DMS Building,
No.359, Anna Salai, Teynampet,
Chennai – 600 006.
- 3.The Secretary to Government,
Health & family welfare Department,
Fort St. George,
Chennai – 600 009.
- 4.The Director,
Directorate of Medical Education,
Poonamallee High Road,
Chennai – 600 010.



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5.The Director of Medical and Rural Health Services,
DMS Campus,
Teynampet, Chennai – 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent herein relating to his impugned order in CV Intimation No.10/MRB/2022-2 dated 29.07.2024 and quash the same and consequentially direct the respondents 1 & 3 authorities to grant due incentive 5 marks instead 2 marks to the petitioner for the COVID-19 duty rendered by the petitioner in additional to the marks to be scored by the petitioner in Notification No.10/MRB-2022 dated 10.08.2022 examination and grant preference in filling up the regular vacancies of Pharmacist to the petitioner in the department of respondents 1 to 4.

For petitioner : Ms.L.Karthiga

For RR 1 & 2 : Mr.L.Murugavelu
Standing Counsel

For RR 3 to 5 : Mrs.M.Sneha
Special Standing Counsel

ORDER

This writ petition has been filed challenging the impugned intimation dated 29.07.2024 and for consequential direction to the respondents 1 & 3 to grant incentive marks to the petitioner for the



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COVID-19 duty rendered by the petitioner in line with G.O.Ms.No.107

dated 26.04.2024.

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2.The case of the petitioner is that he completed his D.Pharm during April, 2003. He joined as a Pharmacist in the Primary Health Centre at Emergency Care and Recovery Centre, Thiruvannamalai, on 19.01.2019. He continued to work in the same capacity throughout the COVID pandemic and continues till date.

3.The 1st respondent issued a Notification dated 10.08.2022 calling for applications from candidates for direct recruitment on temporary basis to the post of Pharmacist in Tamil Nadu Medical Subordinate Service. The petitioner, who had fulfilled necessary qualification also applied for this selection which involves filling up of 986 vacancies. The petitioner wrote the examination on 26.04.2023 and secured 52.557965 marks.

4.The further case of the petitioner is that he belongs to the disabled category and he hails from Most Backward Class (MBC). The cut off mark was fixed at 54.93.



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5.The further case of the petitioner is that the Government issued G.O.Ms.No.107 dated 26.04.2024, whereby it was decided to allot incentive marks to the Pharmacists who have worked in Government Medical Institutions during COVID pandemic period. It is the specific case of the petitioner that he worked in the Emergency Care Recovery Centre, Government Head Quarters Hospital, Cheyyar, Thiruvannamalai District, from 01.03.2020 to 31.05.2022. Since, the petitioner has worked more 24 months during the COVID-19 pandemic, he is seeking for 5 marks as incentive marks. Since, the marks was not added to the total marks secured by the petitioner in the written examination, the petitioner was not in the zone of consideration and consequently, his name was not added in the selection list. It is under these circumstances, the present writ petition was filed before this Court.

6.Heard the learned counsel for the petitioner, learned Standing Counsel for respondents 1 & 2 and the learned Special Standing Counsel for respondents 3 to 5 and also carefully perused the materials available on record.



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7.The short issue that arises for consideration in the present writ petition is as to whether the petitioner will be entitled for incentive marks by virtue of the COVID duty certificate that has been issued to the petitioner to the effect that he rendered duty for the period from 01.03.2020 to 31.05.2022 in a Government District Head Quarters Hospital.

8.This Court can straightaway look into the COVID duty certificate that has been issued in favour of the petitioner. In this certificate, it has been mentioned that the petitioner had rendered duty for the period from 01.03.2020 to 31.05.2022 in the Emergency Care Recovery Centre, Government Head Quarters Hospital, Cheyyar, Thiruvannamalai District. This certificate has been signed by the Hospital Superintendent and it has been counter signed by the Joint Director of Health Services.

9.The above certificate is in line with the requirement under G.O.Ms.No.107 dated 26.04.2024.

10.A careful reading of clause 6 of the above G.O., shows that the



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Government decided to allot incentive marks to Pharmacists who had worked in the Government Medical Institutions during the COVID pandemic period. In the case in hand, only 2 marks were allotted to the petitioner as incentive marks. However, the petitioner is entitled for 5 marks, since, he has worked in the Government Medical Institution during COVID-19 pandemic for a period of above two years (above 24 months) without break in service. The same is evident from the certificate that has been issued by the competent authority.

11. In view of the above, this Court has no hesitation in directing the 2nd respondent to allot 5 marks to the petitioner towards incentive marks. The same shall be added with the marks obtained by the petitioner in the written examination. This direction shall be complied forthwith. By virtue of the same, if the petitioner comes within the zone of consideration and is eligible to be considered for appointment to the post of Pharmacist under disabled persons category belonging to Most Backward Class (MBC), the petitioner shall be permitted to attend the counseling by the 5th respondent.



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12.In the result, this Writ Petition is allowed with the above directions. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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

To

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5.The Director of Medical and Rural Health Services,
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