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W.P.No.8480 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.08.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.8480 of 2017

and

WMP.No.9271 of 2017

1.S.K.Selvaraj
2.P.Vinoth Kumar
3.R.Mohan
4.S.Karunakaran

...Petitioners

Vs.

Medical Services Recruitment Board, (MRB)
rep. by its Member Secretary,
7th Floor, DMS Building,
359, Annasalai,
Teynampet, Chennai- 600 006.

...Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus and call for the records of the Respondent's tentative list dated 30.03.2017 in Notification No. 7/MRB/2016 quash the same and consequently directing the Respondent to select the Petitioners for the post of Dark Room Assistants.

For Petitioners : Mr.S.Gunaseelan

For Respondent : Mr.L.Murugavelu



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ORDER

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The writ petition is filed challenging the tentative selection list dated 30.03.2017 in notification No.7/MRB/2016 for the post of Dark Room Assistant.

2. The learned counsel for the petitioner filed memo stating that 2nd petitioner was selected in the year 2022 and that 3rd and 4th petitioner's did not participate in the certificate verification. The learned counsel therefore submitted that writ petition is contested only by the 1st petitioner.

3. According to the petitioner he studied HSC and obtained certificate of Radiological Assistants by the Government of Tamil Nadu. The respondent called for applications for the post of Dark Room Assistant and the petitioner applied for the same. The qualification and the method of recruitment as per the respondents notification was a pass in Higher Secondary Course with science subject and a certificate of successful completion of course in Dark Room Assistant from any institution recognised by the State Government or by the



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Government of India. It was also provided that candidates with certificate of

Radiological assistant of any recognised institution of either the State Government or Central Government would be preferred. The petitioner equipped with certificate of Radiological Assistant applied for the post of Dark Room Assistant, but was not selected. The petitioner therefore filed the above writ petition challenging the tentative list of selected candidates.

4. The respondent filed counter stating that notification inviting application for Dark Room Assistant was issued on 31.01.2016 from eligible candidates. The eligibility criteria were laid down in the special rules prescribed in the G.O.(Ms).No. 304, Health and Family Welfare (C2) Department dated 07.10.2015. According to the respondent, the petitioners did not pass HSC with science subjects and hence they were not selected. It was submitted that as far as the selected candidates were concerned, they were selected strictly on the basis of the selection criteria prescribed in G.O.(Ms).304, Health and Family Welfare (C2) Department dated 07.10.2015. The respondent further stated that



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the 1st petitioner, Selvaraj was called for certificate verification on the basis of the marks obtained by him in the HSC and SSLC. On verification of the petitioner's certificate, it was found that the petitioner passed the HSC exam with non science subjects, therefore the petitioner was not selected. The respondent therefore submitted that there were no merits in the writ petition and same deserved to be dismissed.

5. The learned counsel for the petitioner submitted that the persons with far less marks than petitioner were selected and the petitioner was not selected only on the ground that the petitioner did not pass the HSC exam with science subjects. The petitioner's counsel submitted that the petitioner having been permitted to participate in the selection process till the certificate verification stage, the respondent ought to have selected him. The learned counsel further submitted that the special rule was subsequently amended and the candidates with non science subjects in HSC were also selected. The learned counsel therefore submitted that the provisional list of the respondent deserved to be quashed.



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6. The learned counsel for the respondent on the other hand submitted that the special rules for the Tamil Nadu Medical Subordinate Rules prescribed the eligibility criteria for selection vide G.O.(Ms).No.304, Health and Family Welfare (C2) Department dated 07.10.2015. The said G.O clearly provided that a pass in HSC with science subjects along with training course certificate for completion of training course for Dark Room Assistant from recognised institute either the State Government or Government of India was mandatory. The learned counsel submitted that persons with certificate of Radiological Assistant of any recognised institution of either the State Government or Government of India with a pass in HSC with science subjects were also eligible provided persons with certificate for Dark Room Assistant with a pass in HSC with science subjects were not available. The learned counsel submitted that as the petitioner did not satisfy the eligibility criteria, the petitioner was not selected.

7. I have heard both the learned counsels and I have perused the material placed on record.



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8. G.O.(Ms).304 Health and Family Welfare (C2) Department dated 07.10.2015 for the post of Dark Room Assistant, reads as follows:

“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 for 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 shall be appointed.

Provided also that if candidate with the certificate of



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Radiological Assistant are also not available then candidates with Diploma in Radio Diagnosis or Diploma in Radio Therapy of any Institution recognised by the State Government of Government of India shall be appointed.”

From a reading of the aforesaid G.O, it is clear that the candidates who passed HSC with science subjects and possessed certificates of Dark Room Assistant were eligible for the post of Dark Room Assistant. Admittedly the petitioner has passed HSC with commerce subjects. Only during certificate verification process the respondent came to know that the petitioner had passed HSC with non science subjects and therefore the respondent rejected the petitioner's application. The fact that the special rules were amended subsequently will not help the petitioner, as the recruitment rules as on date of the application only apply. As per G.O.(Ms).No.304, a pass in Higher Secondary with science subjects was mandatory and therefore when the petitioner did not possess HSC certificate with science subjects, the respondent cannot be blamed for not selecting him. As the petitioner did not satisfy the



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eligibility criteria as per the rules prevalent on the date of notification calling for

application, the petitioner can have no grievance. Hence the writ petition is

dismissed. No costs. Consequently connected WMP is closed.

09.08.2024

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

dsn



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To
The Member Secretary,
Medical Services Recruitment Board, (MRB)
7th Floor, DMS Building,
359, Annasalai,
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N.MALA,J.

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