



W.P(MD)No.4136 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2024**

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.4136 of 2024

and

W.M.P(MD)No.4008 of 2024

M.Pothumani

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health and Family (MCA-1) Department,
Fort St.George, Chennai-600 009.

2.Medical Services Recruitment Board (MRB),
Represented by its Chairperson,
7th Floor, DMS Buildings,
358, Anna Salai, Teynampet,
Chennai-600 006.

3.The Director,
Medical and Rural Health Services,
DMS Building, Annasalai,
Teynampet, Chennai-06.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give weightage / priority to the petitioner for appointment to the post of ECG Technician, by taking into consideration, the petitioner's service during Covid - 19 period and make appointment based on the petitioner's representation dated 13.02.2024.



WEB COPY



W.P(MD)No.4136 of 2024

For Petitioner : Mr.I.Robert Chandrakumar

For R1 & R3 : Mr.C.Baskaran
Government Advocate

For R2 : Mr.V.Ramesh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to give weightage / priority to the petitioner for appointment to the post of ECG Technician, by taking into consideration, the petitioners service during Covid - 19 period and make appointment based on the petitioner's representation dated 13.02.2024.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner belongs to SC Community and she has completed Electrocardiogram (ECG) / Treadmill Technician course for which Paramedical certificate has been issued by the Government of Tamil Nadu. She has also underwent three months internship training. While the State of Tamil Nadu was stuck by Covid pandemic, she applied for the appointment of Paramedical Personnel on temporary contract basis



W.P(MD)No.4136 of 2024

and thereafter, on conduct of interview, she was appointed on 24.08.2021 to the post of ECG Technician by the District Collector, Madurai and she worked in the Government Rajaji Hospital, Madurai from 25.08.2021 to 31.02.2022.

4. On 01.08.2023, the 2nd respondent has issued notification calling for applications for the post of ECG Technicians in Tamil Nadu Medical Subordinate Service. The petitioner has applied for the same. However, she was not able to emerge successful and come within the zone of consideration. Out of 750 candidates, the respondents have selected 128 candidates based on their marks. In view of the order passed by this Court in W.P.No.25827 of 2023, weightage marks have been given by the Government in the selection process of doctors who has served during Covid pandemic. Similarly the case of the nurses who served during the pandemic were also considered and were given weightage marks in their selection process. In view of the same, the petitioner made a representation, dated 13.02.2024 seeking weightage marks for appointment to the post of ECG Technician by taking into consideration his service. However, the same was not considered.



W.P(MD)No.4136 of 2024

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of the case, this Court hereby direct the 1st respondent to consider the representation of the petitioner, dated 13.02.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gbg



W.P(MD)No.4136 of 2024

To

WEB COPY

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Health and Family (MCA-1) Department,
Fort St.George, Chennai-600 009.
2. Medical Services Recruitment Board (MRB),
Represented by its Chairperson,
7th Floor, DMS Buildings,
358, Anna Salai, Teynampet,
Chennai-600 006.
3. The Director,
Medical and Rural Health Services,
DMS Building, Annasalai,
Teynampet, Chennai-06.



WEB COPY



W.P(MD)No.4136 of 2024

L.VICTORIA GOWRI,J.

gbg

Order made in
W.P(MD)No.4136 of 2024

Dated:
23.02.2024