



W.P.(MD) No.18803 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.18803 of 2021

and

W.M.P.(MD) No.16441 of 2023

M.Muthukumar

... Petitioner

Vs.

- 1.State of Tamil Nadu, rep., by
The Principal Secretary,
Health and Family Welfare Department,
State of Tamil Nadu,
State Secretariat,
Fort St. George, Chennai-600 009.
- 2.The Medical Services Recruitment Board, rep., by
The Member Secretary,
The Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet,
Chennai-600 006.
- 3.The Directorate of Medical Education, rep., by
The Director,
The Directorate of Medical Education,
162, Periyar E.V.R. High Road,



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Kilpauk,
Chennai-600 010.

4.The Director of Medical & Rural Health Services,
DMS Building,
359, Anna Salai,
Teynampet,
Chennai-600 006.

5.The Director of Medical & Rural Health Services (ESI),
DMS Building,
359, Anna Salai,
Teynampet,
Chennai-600 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents No.1 and 2 to appoint the petitioner in the post of Radiographer by considering the petitioner's representations dated 11.11.2020 and 05.10.2021 in accordance with law within the time stipulated by this Court.

For Petitioner	:	Mr.R.Alagumani
For RR1, 3, 4 & 5	:	Mr.D.Sasikumar Additional Government Pleader
For R2	:	Mr.V.Ramesh



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ORDER

The petitioner herein is possessing a qualification of Diploma in Radio Diagnosis Technology, which is a Paramedical Course. Having completed the same in Government Medical College Hospital, Madurai, the petitioner got his name registered in the Employment Exchange with Registration No.VRD2014M00021057. Considering the registration of the petitioner with the Employment Exchange, the name of the petitioner came to be considered for selection to the post of Radiographer along with the candidates, who submitted their application in response to Notification No. 09/MRB/2017, dated 22.08.2017. However, the petitioner could not be selected under the relevant category, which he is claiming, as he has not come up within the zone of consideration.

2. The grievance of the petitioner in this writ petition is that the method of recruitment that was provided under G.O.(Ms).No.36, Health and Family Welfare (C2) Department, dated 12.02.2014 was not followed while



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selecting the candidates for the post of Radiographer on temporary basis by Respondent No.2 and they have followed the procedure provided under G.O. (Ms).No.401, Health and Family Welfare (C2) Department, dated 16.12.2014. Thereby the seniority of the petitioner with the Employment Exchange is totally ignored and the method of allotting marks for different educational qualifications acquired by the respective candidates was adopted and thereby, the petitioner was deprived of the appointment to the post of Radiographer pursuant to the Notification dated 24.03.2018.

3. Respondent No.2 filed a counter affidavit stating that the procedure, that is provided by the Government by issuing G.O.(Ms).No.401, dated 16.12.2014 duly amending the previous Government Order in G.O. (Ms).No.36, dated 12.02.2014 was strictly followed and the entire selection process was also completed and all the provisionally selected candidates also joined duty. Hence, no except can be taken to the procedure followed by the respondents, especially in the absence of any challenge to G.O.(Ms) No.401, dated 16.12.2014.



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4. However, learned counsel for the petitioner contended that there are several posts that are vacant in the Government Hospitals throughout the State and the petitioner is fully qualified to hold the post of Radiographer. But, his case is not considered, though he was registered with Employment Exchange as early as in the year 2014 and also further contended that the petitioner has already submitted several representations before the respondents including the latest representation being dated 05.10.2021 seeking to appoint him as Radiographer by considering his seniority in the Employment Exchange, but no orders have been passed on the said representations as on date and seeks indulgence of this Court to pass appropriate orders directing the respondents to consider the said representations and to pass orders thereon.

5. Considering the overall facts and circumstances of the case, especially the fact that the petitioner herein got enrolled his name with the Employment Exchange as early as in the year 2014 and also the contention of the petitioner that there are several vacancies available in the various Government Hospitals in the State, this Court deem it appropriate to permit



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the petitioner to make a fresh representation before Respondent No.1 within a period of four weeks from the date of receipt of a copy of this order. In case, if the petitioner makes any such representation within the time stipulated, Respondent No.1 shall consider the same in accordance with law and pass appropriate orders thereon within a period of four months thereafter.

6. Accordingly, this Writ Petition is disposed of. No costs.

7. In view of the disposal of the writ petition, no orders are required to be passed in W.M.P.(MD) No.16441 of 2023 and the same is closed.

22.02.2024

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

ABR



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To

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MUMMINENI SUDHEER KUMAR, J.

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