



W.P.(MD).No.20777 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20777 of 2024

and

W.M.P(MD) Nos.17597 and 17598 of 2024

M.Jasmine Grace

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
St. George Fort,
Chennai – 600 009.
2. The Director (Personnel)
Department of Public Health and Preventive Medicine,
No.359, DMS Complex,
361, Anna Salai,
Chennai – 600 006.
3. The Mission Director,
State Health Society,
Department of Public Health and Preventive Medicine,
No.359, DMS Complex,
361, Anna Salai,
Chennai – 600 006.



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4. The Director,
Directorate of Medical and Rural Health Services,
No.359, DMS Complex,
361, Anna Salai,
Chennai – 600 006.

5. Medical Services Recruitment Board,
Represented by its Member Secretary,
7th Floor,
DMS Building,
No.359, Anna Salai,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the final score, after award of incentive marks for Covid duty period, for the post of Pharmacist in Notification 2022, issued by the fifth respondent herein in, so far as the petitioner is concerned with Examination ID.No.1035369, with Application No.127957, awarding 2 marks as Covid-19 duty marks with a total score mark of 64.464555 and quash the same as illegal and consequently direct the respondents herein to grant 5 marks for Covid-19 duty marks, as stipulated in G.O.(Ms) No.107, Health and Family Welfare (C1) Department, dated 26.04.2024 and the Addendum issued by the fifth respondent herein in Notification No.10/MRB/2022, dated 10.06.2024 and thereby provide a total score of 67.464555 to the petitioner and consequently appoint the petitioner in the post of Pharmacist, after calling for certificate verification and counselling, in a time framed manner as stipulated by this Court.



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For Petitioner : Mr.C.Kishore
For R1 to R4 : Mr.S.S.Madhavan
Government Advocate
For R5 : Mr.V.Ramesh
Standing Counsel

ORDER

The instant Writ Petition has been filed by an aspirant to the post of Pharmacist, challenging the provisional list for the post of Pharmacist on the ground that the petitioner has not been awarded five incentive marks for rendering duty during Covid -19 period for a period of more than two years.

2. The Government of Tamil Nadu has issued G.O.(Ms) No.107, Health and Family Welfare (C1) Department, dated 26.04.2024 indicating the fact that those Pharmacists who were working in the Government Medical Institutions during the Covid -19 pandemic for a period of more than two years without break in service would be awarded five incentive marks during the selection process. Based upon the said Government Order, the Medical Services Recruitment Board has issued an Addendum on 10.06.2024, confirming the said fact. However, the Provisional Selection List that was



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uploaded by the Medical Services Recruitment Board indicates that the petitioner has been awarded only two marks instead of five marks. Hence, the present writ petition.

3. The learned counsel appearing for the writ petitioner had relied upon the judgment of the learned Single Judge of this Court in W.P.No.22231 of 2024, dated 14.08.2024, where a similar request was considered favorably and the writ petition was allowed.

4. Considering the fact that there is no dispute that the petitioner has rendered more than two years service during the Covid-19 period without any break, the petitioner is entitled to five incentive marks.

5. In view of the above said facts, this Court directs the respondents 1 and 5 herein to add five marks as incentive marks to the petitioner along with marks already obtained by the writ petitioner in the written examination. The said direction shall be complied with forthwith and the same shall be communicated to the fifth respondent. The fifth respondent shall permit the petitioner to participate in the counselling, if the petitioner is otherwise



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eligible and to consider granting appointment to the petitioner in the post of
Pharmacist.

6. With the above said directions, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently connected Miscellaneous
Petitions are closed.

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