



W.P.(MD)No.12590 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.12590 of 2017

and

W.M.P.(MD)No.9702 to 9704 of 2017

C.Anbuselvam

... Petitioner

/Vs./

1.The State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai.

2.The Medical Services Recruitment Board,
Rep. by its Member Secretary,
7th Floor, DMS Building,
No.359, Anna Salai,
Teynampet, Chennai.

3.The Director of Medical Education,
Chennai.

4.Subburaj Natarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, calling for the entire records



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pertaining to the order passed by the 2nd respondent in his proceedings in Notification No.03/MRB/2017 dated 08.05.2017 and consequential provisional selection list for the post Anaesthesia Technician in Notification No.03/MRB/2017 dated 22.06.2017, quash the same and direct the respondents to conduct the selection process by issuing fresh notification giving weightage to the seniority with written examination.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.Amjad Khan (R1& R3)

Government Advocate

Mr.V.Ramesh (R2)

Standing Counsel

ORDER

This writ petition has been filed challenging the impugned recruitment notification dated 08.05.2017 and the impugned notification dated 22.06.2017 issued by the second respondent, under which the selection list for the post of Anaesthesia Technician has been declared.

2. Admittedly, the petitioner's name does not find place in the impugned notification. The petitioner has challenged the same on the ground that he was not provided with the marks scored by him in



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Certificate Training Course for Anaesthesia Technician by the respondents. As per the recruitment notification, based on which the petitioner applied to the post of Anaesthesia Technician, the procedure for selection are as follows:

“7.PROCEDURE OF SELECTION:

7a. Selection will be made based on the marks scored by the candidates in their academic and technical qualification(s) for the post of Anaesthesia Technician duly following the rules of reservation and communal rotation issued by the Government of Tamil Nadu. There will be no oral test (Interview) for the post.

Minimum educational qualification required for the post	Weightage of marks		
	Certificate course in Anaesthesia Technician	HSC / PUC	SSLC / 10 th
a.Certificate course in Anaesthesia Technician with HSU / PUC	50%	30%	20%

Note: In case marks are not specifically awarded for any batch of the Certificate of Training course for Anaesthesia Technician, then selection for all will be based on the marks scored by the applicants in SSLC and HSC / PUC examinations only.”



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3. The petitioner claims that mark was not awarded to him for the Certificate Training Course completed by him in Anaesthesia Technician and on that ground, he has challenged the impugned selection list.

4. However, a counter affidavit has been filed by the respondents stating that the selection to the post of Anaesthesia Technician was based only on the marks scored by the applicants in SSLC and HSC/PUC examinations only and separate marks were not awarded for the Certificate Training Course for Anaesthesia Technician underwent by the applicants. The respondents have categorically contended that there is no discrimination in the award of the marks and the selection to the post of Anaesthesia Technician as per the impugned selection list is proper and is only in accordance with the procedure of selection prescribed under the recruitment notification.

5. Admittedly, no marks were awarded to any of the applicants, who had applied for the post of Anaesthesia Technician in respect of the certificate obtained by them in the Certificate Training Course for



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Anaesthesia Technician and the selection was only based on the marks scored by them in SSLC and HSC/PUC examinations only. The respondents have also categorically contended that since the petitioner did not score the cut-off mark fixed for selection to the post of Anaesthesia Technician, the petitioner was not selected to the post of Anaesthesia Technician under the impugned selection list.

6. The grievance of the petitioner as raised in this writ petition has to be rejected, since the selection was only based on the marks scored by the applicants in SSLC and HSC/PUC examinations and admittedly, the petitioner did not score the cut-off mark fixed for selection to the said post. The procedure for selection as prescribed under the recruitment notification also makes it clear that the respondents have the right to select the candidates to the post of Anaesthesia Technician based on the marks scored by the candidates in SSLC and HSC/PUC examinations only and they can ignore awarding marks for the Certificate Training Course for Anaesthesia Technician underwent by them.



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7. For the foregoing reasons, this Court does not find any merit in this writ petition, as rightly the petitioner's name has not been included in the selection list under the impugned notification. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition are closed.

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(2/3)

Index : Yes / No
NCC : Yes / No
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TO:

- 1.The Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai.
- 2.The Director of Medical Education,
Chennai.



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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.12590 of 2017
(2/3)

Dated:
03.10.2024