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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

W.A.No. 1694 of 2025
and CMP No.12746 of 2025

V. Nanthini ... Appellant

Vs.

1. The Medical Services Recruitment Board,
   7th Floor, DMS Buildings,
   359, Anna Salai,
   Teynampet, Chennai - 600 006.

2. The Tamil Nadu Dr.MGR Medical University,
   Rep. by the Registrar,
   69, Anna Salai, Guindy,
   Chennai - 600 032.

3. The Tamil Nadu Medical Council,
   No.959 & 960 Poonamallee High Road,
   Purasaiwakkam, Chennai,
   Tamil Nadu, India - 600 084.

4. The Directorate of Public Health and Preventive Medicine,
   Rep. by its Director,
   No.64, 75, Varadharajapuram Main Road,
   Chokkalingam Nagar, Teynampet,
   Chennai - 600 006. ... Respondents

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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the ommon interim order passed in WP No.6740 of 2025 dated 26.02.2025.

For Appellant : Mr.P. Arumugavel

For Respondents : Mr.L.Murugavelu, for R1
Mr.Mohammed Gouse, Standing Counsel For R2
Mr.Baranidharan, for R3

JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the Writ Court dated 26.02.2025 made in WP No.6740 of 2025. The challenge in the Writ Petition was to the rejection of the candidature of the appellant to the post of Assistant Surgeon (General) in the Tamil Nadu Medical Services.

2. The rejection order came to be passed on the ground that the appellant had not registered herself with the Tamil Nadu Medical Council on the last date for submitting applications viz. 15.07.2024. The

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notification issued by the Tamil Nadu Medical Council calling for applications for the post of Assistant Surgeon (General) was dated 15.03.2024. While prescribing the Educational qualifications, the notification set out the following:

> 68. EDUCATIONAL QUALIFICATION:
>
> Candidates should possess the following or its equivalent qualification awarded by a University or Institution recognised by the University Grants Commission for the purpose of its grants. The courses must have been approved by the Medical Council of India.
>
> For Assistant Surgeon (General) - MBBS Degree
>
> In addition to the above, the candidates
>
> i. Must be a registered practitioner within the meaning of the Madras Medical Registration Act 1914.
>
> ii. Must have served as House Surgeon (CRRI) for a period of not less than twelve months

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iii. Candidates should have registered their name in the Tamil Nadu Medical Council on or before the last date of this Notification (Last date for submission of application i.e. 15 05.2024)

iv. If a candidate claims that the educational qualification possessed by him/her is equivalent though not the same as those prescribed for the appointment, the onus of proof rests with the candidate.

3. It is not in dispute that the appellant possessed the other qualifications except qualification No.iii, highlighted above. The said Clause (iii) requires the appellant to have registered as a medical practitioner with the Tamil Nadu Medical Council on 15.05.2024 which was later extended up to 15.07.2024. Though the appellant was allowed to participate in the selection process, her candidature was rejected since she had not registered herself on the cut of date viz.15.07.2024. This rejection was put in issue in the writ petition.

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4. The Writ Court held that though it is an unfortunate case, the appointing Authority will have to go strictly by the qualification prescribed in the notification and the Courts cannot modify or tinker with the same in exercise of jurisdiction under Article 226 of the Constitution of India. In doing so, the Writ Court placed considerable reliance upon the judgments of the Hon'ble Supreme Court in ***Rakesh Kumar Sharma Vs. State (NCT of Delhi) and Others,*** reported in ***(2013) 11 SCC 58*** *and* ***Ran Vijay Singh and others Vs. State of Uttar Pradesh,*** reported in ***(2018) 2 SCC 357***.

5. Law is settled on the principle that the Courts exercising power under Article 226 of the Constitution of India, will not tinker with the requisite Educational qualification or other qualification for appointment which would result in substituting the Courts opinion to the opinion of the Appointing Authority or the Selecting Authority.

6. No doubt, the learned counsel appearing for the appellant would make a fervent Appeal to consider the case sympathetically, since the

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appellant could not registered herself within the cut of date viz.15.07.2024, since the College released the certificates only on 11.07.2024. May be the appellant was a bit unlucky and there was a delay in the issuance of the requisite certificates by the Institution. That by itself, in our considered opinion, cannot be a ground for us to interfere with the selection process.

7. We therefore see no merit in the Appeal, the Appeal fails and it is accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(**R.SUBRAMANIAN, J**.) (**K.SURENDER**, J.)
16.06.2025

jv

Index : No
Neutral Citation : No
Speaking order

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