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Sub.A.No.795 of 2025
in Cont.P.No.3617 of 2024

In the High Court of Judicature at Madras

Dated : 30.7.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Sub.Application No.795 of 2025
in Cont.P.No.3617 of 2024

M.Jayaprakash

Vs

...Applicant

- 1.Thiru G.Karthikeyan, IPS,
Member Secretary, Medical
Services Recruitment Board
(MRB), 7th Floor, DMS Building,
No.359, Anna Salai,
Teynampet, Chennai-6.
- 2.TMV.Kalaifarasi, IAS, Chairman,
Medical Services Recruitment
Board (MRB), 7th Floor, DMS
Building, No.359, Anna Salai,
Teynampet, Chennai-6.
- 3.Tmt.Supriya Sahu, IAS,
Secretary to Government,
Health & Family Welfare
Department, Fort St.George,
Chennai-9.
- 4.Dr.J.Sangumani, MD,
Director, Directorate of
Medical Education,
Poonamallee High Road,
Chennai-10.



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5.Dr.S.Rajamoorthy, MBBS, DCH,
Director of Medical & Rural
Health Services, DMS Campus,
Teynampet, Chennai-6.

...Respondents

Contempt Petition No.3617 of 2024 filed under Section 11 of the Contempt of Courts Act praying to punish the 1st and 5th respondents for wilful disobedience and contempt of the directions of this Court in W.P.No.22377 of 2024 dated 14.8.2024.

Sub.Application No.795 of 2025 filed under Section 151 of the Civil Procedure Code praying to reopen Contempt Petition No.3617 of 2024, order dated 14.2.2025.

For Applicant	:	Mr.K.Krishnan
For R1 & R2	:	Mr.J.Ravindran, AAG assisted by Mr.L.Murugavel, Standing Counsel
For R3 & R4	:	Mr.E.Sundaram, GA

ORDER

This is an application filed by the applicant seeking to reopen the above contempt petition, which was disposed of on 14.2.2025.



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2. Heard both.

3. Pursuant to the earlier order passed on 17.7.2025 seeking for clarification, the matter was listed on 24.7.2025, on which date, an additional affidavit has been filed by respondents 1 and 2 wherein they took the following stand :

"5. It is submitted that the based on the Judgement the Medical Services Recruitment Board has requested the Director of Public Health and Preventive Medicine, Chennai, with reference to the letters received by the Board dated 18.07.2024 and 11.12.2024 and the G.O.Ms.107, Health and Family Welfare (C1) Department, dated: 26.04.2024, it is requested to offer his report on the Covid Duty Certificates furnished by the petitioner Thiru.M.Jayaprakash, for submission in Hon'ble High Court. The Director of Public Health and Preventive Medicine, Chennai, has furnished the clarification vide letter R.No.6119965/PHC-7/A2/2023, Dated : 22.07.2025 is as follows:-

'With reference to your letter 1st cited, I wish to state that, based on the clarification received from the District Health Officer, Thiruvannamalai vide the reference 3rd cited, it is hereby informed that Thiru.M.Jayaprakash, RBSK



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Pharmacist who is working in Mangalam Block Primary Health Centre, Thiruvannamalai Health Unit District was diverted to Control Room in Collectorate Office, Thiruvannamalai during the Covid pandemic period from 01.03.2020 to 31.03.2022 with a one day break in service on 30.07.2020 (11 months) and 30.06.2021 (11 months) respectively.'

6. It is respectfully submitted that at the time of certificate verification, the petitioner had produced a different covid duty certificate issued by the same officer and counter signed by the District Health Officer, Thiruvannamalai duly mentioning Break in Service for 01.03.2020 to 31.03.2022 with Break in Service on 30.07.2020 and 30.06.2021 and mentioning that he had worked in the control room in Collectorate, Thiruvannamalai District institution. It is submitted that the Director of Public Health and Preventive Medicine, Chennai has already informed in his letter R.No.6119965/PHC-7/A2/2023, Dated: 18.07.2024, that '2. The Covid Duty Certificates issued to the candidates who worked in the Control Room or as a Junior Assistant will not be eligible for incentive marks.' As per this letter and the G.O.(Ms). No.107 from the Health and Family Welfare (C1) Department, Dated: 26.04.2024, the petitioner is not eligible for the issue of incentive



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marks to the post of Pharmacist.

7. It is also submitted that the Board had requested the Director of Public Health and Preventive Medicine, Chennai, vide this office letter Ref.No:1776/MRB/E4/2020, Dated : 04.12.2024 for genuineness of the Covid Duty Certificate of Thiru.M.Jayaprakash, as the working details differed in the Covid Duty Certificate uploaded in the online application and in the Covid Duty Certificate produced in the Certificate Verification and the Director of Public Health and Preventive Medicine, Chennai has informed vide Letter Ref.No. 6119965/ PHC-7/A2/2023 Dated: 11.12.2024 that

Thiru.M.Jayaprakash, Pharmacist, Primary Health Centre, Mangalam, Tiruvannamalai District - He has rendered duty for the period as detailed below :

. From 01.03.2020 to 29.07.2020 - One day break on 30.07.2020.

. From 31.07.2020 to 29.06.2021 - One day break on 30.6.2021 and

. From 01.07.2021 to 31.03.2022."

4. While passing the order in W.P.No.22377 of 2024 dated 14.8.2024, this Court took into consideration the fact that the applicant had worked in the Primary Health Centre, Mangalam Block,



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Tiruvannamalai District as a pharmacist and that the applicant was claiming for incentive marks as per G.O.Ms.No.107 Health and Family Welfare (C1) Department dated 26.4.2024. What was discussed in the order dated 14.8.2024 was regarding the person, who had to countersign in the Covid Duty Certificate. This Court found that the countersign made by the District Health Officer was sufficient since he is in the cadre of Deputy Director of Health Services. Accordingly, this Court held that the applicant would be entitled for the five marks as incentive marks.

5. It has now come to light that the applicant has to necessarily work as a pharmacist in the Government medical institution as per the said Government Order. That apart, a communication has been sent by the Director of Public Health and Preventive Medicine, Chennai-6 dated 18.7.2024 to the first respondent to the effect that the candidates, who worked in the Control Room or as a Junior Assistant will not be eligible for the incentive marks. Admittedly, the applicant was working in the Control Room in the Collectorate Office, Tiruvannamalai. Therefore, the respondents have not given 5 marks towards incentive marks. This point was not taken into consideration while passing final



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orders in the said writ petition.

6. In view of the above, the reasons assigned by the respondents for not adding 5 marks as incentive marks is a plausible explanation and this Court does not find any contumacious conduct on the part of the respondents warranting any further action in the contempt petition.

7. Hence, the above sub-application is closed. If the applicant has any grievance on the stand taken by respondents 1 and 2, it is left open to him to proceed further in a manner known to law, if so advised.

30.7.2025

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N.ANAND VENKATESH,J

RS

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