



WP No.20184 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31-07-2025

PRONOUNCED ON: 26-08-2025

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP No. 20184 of 2025

AND

**WMP NO.22754 OF 2025, WMP NO.22758 OF 2025,
WMP NO.22755 OF 2025, WMP NO. 22762 OF 2025**

1. Dr.S.Sridevi
D/O. M. SRIDHARAN,
(REGN. NO.950614),
OLD NO.82f, NEW NO.11E,
PILLAIYAR KOIL STREET,
ARUMBAKKAM, CHENNAI-600 106.

2.Dr.S.Theebika
D/o. Sekar,
(Regn. No.900522),
E7/2, Jothi Nagar,
Sivagangai -630 561.

Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. By Its Principal Secretary To
Government,
Health And Family Welfare
Department,
Secretariat, Fort St. George,
Chennai-630 561.

2.The Commissioner
Directorate Of Indian Medicine And
Homeopathy,
Arumbakkam,
Chennai-600 106.



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3.The Chairman
Medical Services Recruitment Board
(MRB),
359, Anna Salai,
Chennai-600 006.

4.A. Velan,
S/o. Arumugam,
(Regn.No.900510),
No.161, C.C. Road,
Palvarthuvendran Village,
Ettivadi Post,
Thiruvannamalai District.

5.S. Sivaranjani
D/o. R. Sivakumar,
(Regn.900413),
No.1/88, Tiruppur Kumaran Street,
Vyasarpadi, Chennai-600 039.

6.M.Maveeran
S/o. R. Mathivanan,
(Regn. No.900321),
No.1/50, Melakudi Street,
Manathattai, Kulithalai -639104,
Karur District.

7.R. Suriya
S/o. C. Rajendiran,
(Regn. No.900481),
No.2/418, Pannandhur Post,
Pochampalli, Damodarhalli-635123,
Krishnagiri District.

8.M. Naveen Prasath
S/o. P. Manickam,
(Regn.No.900014)
No.38, Mettukkadu,
Pallapalayam Vellode(post),
Perundurai Taluk -638112,
Erode District.



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9.A. Jaheer Hussain
S/o. S. Ajmalkhan,
(Regn. No.900438),
No.3/8, Raja Kinatru Street,
Keel Gudalur, Uthamapalayam,
Gudalur -625518, Theni District.

10.M. Sathyanandham,
S/o. R. Muniyappan,
(Regn.No.900319),
No.68/3, Pallipatti Village,
Vagurappampatti Taluk,
Dharmapuri District-635 202.

11.P. Nandhini,
D/o. C. Palani,
(Regn. No.900507),
No.1/87, Perumal Koil Street,
Kulakkarai,
Andarkuppam (post) -600 103,
Thiruvallur District.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned provisional selection list issued by the 3rd Respondent in PSL.No.08/MRB/2025 dated 28.05.2025 and to quash the same in so far as inclusion of the names of Respondents 4 to 11 are concerned, and consequently directing the official Respondents to delete the names of Respondents 4 to 11 as ineligible to participate in the selection and to issue fresh selection list for the post of Assistant Medical Officer/Lecturer Grade II (Yoga and Naturopathy) by including the names of eligible candidates, based on merit in the selection.

For Petitioner(s): Mr.G.Sankaran
Sr.Counsel
For Mr.S.Nedunchezhiyan



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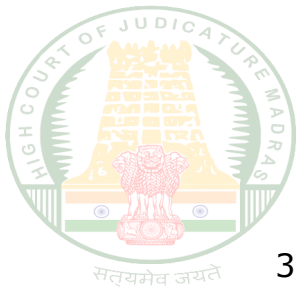
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For Respondent(s): Mr.K.Tippu Sultan,
Govt Advocate For R1 & R2.
Mr. L. Murugavel
Standing Counsel (MRB)
For R3.
Mr.Om Prakash
Senior Counsel
for Ms.M.Amrutha
For R4 To R11

ORDER

The instant writ petition has been filed to call for the records relating to the impugned provisional selection list issued by the 3rd Respondent in PSL.No.08/MRB/2025 dated 28.05.2025 and to quash the same in so far as inclusion of the names of Respondents 4 to 11 are concerned, and consequently directing the official Respondents to delete the names of Respondents 4 to 11 as ineligible to participate in the selection and to issue fresh selection list for the post of Assistant Medical Officer/Lecturer Grade II (Yoga and Naturopathy) by including the names of eligible candidates, based on merit in the selection.

2. Heard Mr.G.Sankaran, learned Senior Counsel appearing for the petitioner, Mr.K.Tippu Sultan, learned Government Advocate for the respondents 1 & 2, Mr.L.Murugavel, learned Standing counsel for the 3rd respondent and Mr.Om Prakash, learned Senior Counsel appearing for Ms.M.Amrutha, learned counsel for the respondents 4 to 11.



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3.The learned Senior Counsel would submit that the petitioners are qualified in bachelor of Naturopathy and Yogic Sciences (B.N.Y.S) and registered their qualification in Tamil Nadu Board of Indian Medicines. It is the further submission of the learned Senior Counsel that based upon the Notification of MRB on 14.08.2020, the petitioners have applied for the post of Lecturer Grade II (Yoga and Naturopathy). The learned Senior Counsel would submit that according to the Notification as on 14.08.2020, the person, who applied for the post should possess the required qualification. However, the respondents based upon their false declaration, participated in the recruitment process and the respondents 1 to 3 did not have the required eligibility as on 14.08.2020. Therefore, their selection is in contrary to the law. The learned Senior Counsel would further submit that though the petitioners were informed for certificate verification and having possessed all the required qualification, selection of the respondents 4 to 11, who does not possess the qualification is illegal and liable to be interfered with.

4. Per contra, the learned Standing Counsel appearing for the 3rd respondent would submit that originally they have issued Notification on 14.08.2020 for 3 vacancies, again issued another Notification on 26.10.2021 increasing the vacancy position from 3 to 35; further on 15.04.2025, they have issued another notification increasing vacancy



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from 35 to 54. The learned Standing Counsel would submit that, though the respondents 4 to 11 did not possess the required qualification on 14.08.2020, as on the date of the 2nd Notification dated 26.10.2021, the respondents 4 to 11 had required qualification, as they have registered their names before the Tamil Nadu Board of Indian Medicines on 27.06.2020. Therefore, they are eligible to be considered for appointment. It is the further submission of the learned Standing Counsel that, though this Court has quashed the subsequent Notification dated 15.04.2025, which has increased the vacancy from 35 to 54, these petitioners are in the merit list within the available vacancy of 35. Therefore, there is no ground to interfere with their appointments.

5. The said contention was reiterated by the learned Government Advocate appearing for the first respondent.

6. The learned Senior Counsel Mr.Om Prakash appearing on behalf of Ms.Amrutha, learned counsel for the respondents 4 to 11 would submit that even on the date of first notification, the respondents 4 to 11 have registered their names before the Tamil Nadu Board of Indian Medicines, Chennai vide their registration dated September 2019. The learned Senior Counsel would further submit that the first Notification is dated 14.08.2020, whereas the respondents 6 to 11 were issued



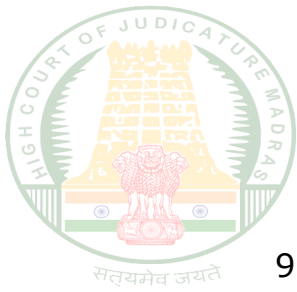
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provisional certificate on 16.09.2019 and the 4th respondent was issued the provisional certificate on 22.02.2020. Therefore, the very qualification is satisfied by the production of acquiring provisional certificate. It is the further submission of the learned Senior Counsel that after obtaining the provisional certificate, they have also registered with the Tamil Nadu Board of Indian Medicines. Therefore, their selections cannot be interfered with, whereas the petitioners were not included in the provisional list, as they did not secure the required cut-off mark. Hence, prayed to dismiss the present writ petition.

7. I have given my anxious consideration to either side submissions.

8. The following facts are not in dispute:

- (i) The 3rd respondent issued Notification on 14.08.2020 for the 3 vacancies and in the second notification dated 26.10.2021, the vacancy position was increased from 3 to 35;
- (ii) Again the 3rd respondent issued Notification on 15.04.2025, after conducting of examination, increasing the posts from 35 to 54.
- (iii) This Court vide order dated 16.07.2025 made in WP.No.16777 of 2025 set aside the 3rd Notification dated 15.04.2025.
- (iv) Thereby, the recruitment was upheld for 35 vacancies as per the 2nd Notification dated 26.10.2021.



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9. Now admittedly the petitioners did not come within the required cut-off mark. The first petitioner viz., Sridevi, obtained 62 marks, whereas under the quota which she compete, the cut off mark is 64. The second petitioner viz., S.Theebika obtained 59 marks, whereas the cut off in her quota is 60. But, the contention of the learned Senior Counsel for the petitioners is that, as per the Notification dated 14.08.2020, the participants for the recruitment must have required qualification on the date of notification. The required educational qualification as per notification dated 14.08.2020 is as follows:-

"6B. EDUCATIONAL QUALIFICATION:

Candidates should possess the following or its equivalent qualification for the post of Assistant Medical Officer/Lecturer Grade II (Yoga and Naturopathy) on the date of this Notification.

Sl.No	Name of the Post	Qualification
a.	Assistant Medical Officer/Lecturer Grade-II (Yoga and Naturopathy)	No person shall be eligible for appointment to the post unless he possesses the following qualifications, namely:- (i) Must have passed a degree or diploma in Naturopathy with not less than four years academic duration awarded by a recognised University: and (ii) Must have registered his name with the Tamil Nadu Board of Indian Medicine, Chennai.

10. In this regard, the learned Senior Counsel for the respondents 4 to 11 would submit that even on the date of Notification i.e., on 14.08.2020, these respondents had the required qualifications. In this



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regard, they would rely upon their registration before the Tamil Nadu Board of Indian Medicines in the month of September 2019. All these respondents 4 to 11 have completed their course and obtained provisional certificate during May 2019. Based upon the provisional certificate and the registration before the Tamil Nadu Board of Indian Medicines, under Section 28 of the Indian Medicine Central Council Act, 1970, they would contend that they had a required qualification. But, this was strongly objected by the learned Standing Counsel, and according to the stipulation made in the Notification, the required qualification is 4 ½ years academic course, along with the completion of one year compulsory Rotatory Residential internship.

11. As rightly contended by the learned Senior Counsel Mr.G.Sankaran, Section 28 of the Indian Medicine Central Council Act deals about the compulsory Rotatory Residential Internship, whereas the word "registration" referred to for the qualification, is a registration before the Tamil Nadu Board of Indian Medicine for practicing the profession. Therefore, as rightly contended by the learned Senior Counsel, as on the date of first Notification, the respondents 4 to 11 were not eligible to participate in the recruitment process, as they had not completed the compulsory Rotatory Residential Internship on the date of first notification, which is essential to practice the profession.



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12. In such view of the above finding, now the issue becomes narrow down to find out, whether the selection of the respondents 4 to 11 is protected by the second Notification dated 26.10.2021. In this regard, it is appropriate to extract clause 6D(b) of the Notification dated 26.10.2021:-

"6D. CONDITIONS AND QUALIFICATION:-

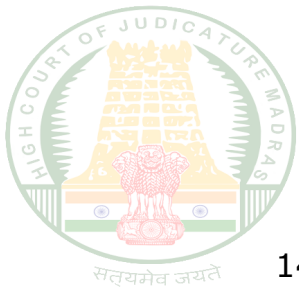
a.

b. Candidates who consider themselves eligible to appear in an examination may apply and write the examination at their own risk, with an undertaking/declaration to that effect viz., before appearing for the examination, it should be ensured by the candidate that on the date of competitive examination of a post he/she fulfills all the conditions in regard to age, educational qualifications, etc. as provided in the rules. The candidature of candidates, if found ineligible shall stand cancelled, even after declaration of the result."

13. Apart from that, Annexure-3 clause (e) had also referred that the candidates should have registered their names on or before the date of examination. The relevant clause (e) is extracted hereunder:

"(e) Registration Certificate

Candidates applying for the posts for appointment to which registration of their names in Central Board of Indian Medicine/Tamil Nadu Board of Indian Medicine, Chennai as the case may be, is a pre-condition. They should have registered their names on or before the date of the Competitive Examination. The registration shall be a valid one and should be uploaded along with the other documents evidencing their qualification. Original of the same has to be produced at the time of certificate verification along with other certificates."

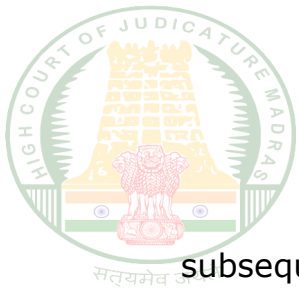


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14. Therefore, though as on the date of first Notification on 14.08.2020, these respondents did not possess the required qualification, on the subsequent Notification dated 26.10.2021, these respondents were admittedly qualified, as they have acquired the registration before the Tamil Nadu Board of Indian Medicines for practice in the Naturopathy, after their one year internship, vide registration certificate dated 27.10.2020. But, the learned Senior Counsel appearing for the petitioners would submit that these respondents 4 to 11 have applied based upon the earlier Notification dated 14.08.2020, where they have given false declaration of their qualification as on the date of above notification; when, admittedly, they did not qualify. Therefore, as per the Annexure-4, they have to be debarred and their applications are to be rejected.

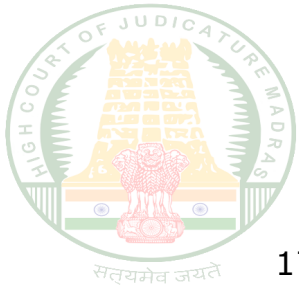
15. In this connection, the learned Senior Counsel relied upon the judgments in (i) **Devendra Kumar Vs. State of Uttaranchal and others** reported in **(2013) 9 SCC 363** and (ii) **P.Prabu Vs. Tamil Nadu Public Service Commission [WA.No.4318 of 2019]** and would contend that any false declaration is a ground to reject the application. But, in the case in hand, though the respondents 4 to 11 have stated that on the date of first notification, they have registered their names, which is false, in view of the factum of extension of the time through the



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subsequent Notification, dated 26.10.2021, and within the extended period, since the respondents 4 to 11 had *ex post facto* acquired the qualification, they become qualified to apply. More specifically the subsequent Notification dated 26.10.2021 superseded the earlier Notification dated 14.08.2020. Therefore, the question of interference upon their selection does not arise.

16. As rightly contended by the learned Standing Counsel for the 3rd respondent, the Notification dated 14.08.2020 is superseded by the Notification dated 26.10.2021 and in second notification dated 26.10.2021, the time for registering the degree was extended until the date of competitive examination. Admittedly, the examination was conducted on 23.03.2025 and before the date of examination, even in the year 2020 in the month of October, the respondents 4 to 11 have registered their name, to practice in the Indian Medicines. Therefore, this Court is of the firm view that there are no ground to interfere with the inclusion of the names of respondents 4 to 11 in the provisional selection list dated 28.05.2025. Hence, this Court does not find any merits in the present writ petition.



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17. In the result, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected WMPs are also closed.

26-08-2025

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1.The State Of Tamil nadu
Rep. By Its Principal Secretary To
Government, Health And Family
Welfare Department, Secretariat,
Fort St. George, Chennai-630 561.

2.The Commissioner
Directorate Of Indian Medicine And
Homeopathy, Arumbakkam,
Chennai-600 106.

3.The Chairman
Medical Services Recruitment Board
(MRB), 359, Anna Salai,
Chennai-600 006.



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C.KUMARAPPAN J.

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Predelivery Order in
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