

W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. Nos. 27260, 28792, 29605, 30223 & 32059 of 2019

and

**W.M.P. Nos. 32314, 30193, 30195, 28548, 29500, 30201, 32311,
32312, 26675, 26680, 28347, 28543, 30196, 30199, 26678,
29501, 29506, 30192 & 30200 of 2019 and W.M.P. No. 6175 of 2025**

W.P.No.27260 of 2019:-

- 1.K.Soniya Gandhi
- 2.C.Kalaiveni
- 3.Sunitha.R
- 4.P.Jeba Sahila
- 5.A.S.Esakkiammal
- 6.Sreeji.W
- 7.R.Raja Gopal
- 8.Jeba Jenitta.P
- 9.Sagunthala.K
- 10.Arulmozhi.K
- 11.S.Minula Hebzibai
- 12.E.Aruna Devi

... Petitioners

-VS-

1. The Government of Tamil Nadu
Represented by its Secretary
Health and Family Welfare Department
Fort St. George, Chennai-600009.
2. Medical Services Recruitment Board
Represented by its Secretary
7th Floor, DMS Building
No.359, Anna Salai, Teynampet
Chennai-600006.



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

3. S.Gunasundari

4.G.Talitha

5.A.Balammal

6.S.Pavithra

7.Arulselvakumari.R

8.K.Thangamani

9.S.Senthil Kumar

10.V.Banumathi

11.M.Rajeswari

12.R.Vasuki

... Respondents

(R3 to R12 impleaded as per order dated
24.09.2019 in W.M.P. No. 27745 of 2019
in W.P. No. 27260 of 2019)

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent leading to the publication of the impugned order in C.V. Intimation No.01/MRB/2019 dated 30.08.2019 in respect of the selection process for the post of Nurses for New Sick Born Care Unit vide second respondent Notification dated 06.02.2019 and quash the same consequentially direction to second respondent to prepare and publish the list of selected candidates strictly in compliance with the Rule 6(B) and Rule 8(B) including list of reserve candidates complying with the Rule 7 of "Rules of Procedure of the Medical Services Recruitment Board, 2013".

For Petitioners : Mr.A.R.Nixon for Mr.R.Thirumalai

For Respondents : Mr.T.Chezhian, AGP (R1)
Mr.K.Srinivasamurthy (RR3 to 12)
Mr.L.Murugavelu (R2)

W.P. No. 28792 of 2019:-

Arockia Sahaya Rani

... Petitioner

-VS-



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

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1. The Government of Tamil Nadu
Represented by its Secretary
Health and Family Welfare Department
Fort St. George, Chennai-600009.

2. Medical Services Recruitment Board
Represented by its Secretary
7th Floor, DMS Building
No.359, Anna Salai, Teynampet
Chennai-600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent leading to the publication of the impugned order in Provisional Selection List No.01/MRB/2019 dated 10.09.2019 in respect of the selection process for the post of Nurses for New Sick Born Care Unit and quash the same consequentially directing the second respondent to prepare and publish the list of selected candidates based on rankings of marks and communal reservation, strictly in compliance with Rule 6(B) and Rule 8(B) including list of reserve candidates complying with Rule 7 of "Rule of Procedure of Medical Services Recruitment Board, 2013".

For Petitioners : Mr.A.R.Nixon for Mr.R.Thirumalai

For Respondents : Mr.T.Chezhian, AGP (R1)
Mr.L.Murugavelu (R2)

W.P. No.29605 of 2019:-

Vijayalavanya

... Petitioner

-VS-

1. The Government of Tamil Nadu



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

Represented by its Secretary
Health and Family Welfare Department
Fort St. George, Chennai-600009.

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2. Medical Services Recruitment Board
Represented by its Secretary
7th Floor, DMS Building
No.359, Anna Salai, Teynampet
Chennai-600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent leading to the publication of the impugned order G.O.(Ms) No. 314 Health and Family Welfare (AA1) Department dated 31.07.2018 in respect of the selection process for the post of Nurses for New Sick Born Care Unit and quash the same with a direction to the second respondent to prepare and publish the list of selected candidates strictly in the ranking of marks scored by candidates in the examination held on 09.06.2019 and with relative experience compliance with the Rule 6(B) and Rule 8(B) including list of reserve candidates complying with the Rule 7 of "Rules of Procedure of the Medical Services Recruitment Board, 2013".

For Petitioners : Mr.A.R.Nixon for Mr.R.Thirumalai

For Respondents : Mr.T.Chezhan, AGP (R1)
Mr.L.Murugavelu (R2)

W.P. No.32059 of 2019:-

- 1.K.Kalpana
- 2.G.Amalorpava Mary
- 3.V.Saranya
- 4.S.Saranya
- 5.R.Thangarathi
- 6.R.Sasikala



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

7.A.Alangara Selvi

8.Pandimeena

... Petitioners

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-VS-

1. The Government of Tamil Nadu
Represented by its Secretary
Health and Family Welfare Department
Fort St. George, Chennai-600009.

2. Medical Services Recruitment Board
Represented by its Secretary
7th Floor, DMS Building
No.359, Anna Salai, Teynampet
Chennai-600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent leading to the publication of the impugned order in C.V. Intimation No.01/MRB/2019 dated 30.08.2019 in respect of the selection process for the post of Nurses for New Sick Born Care Unit vide second respondent Notification dated 28.09.2019 and quash the same and consequentially direction to the second respondent to prepare and publish the list of selected candidates strictly in compliance with the Rule 6(B) and Rule 8(B) including list of reserve candidates complying with the Rule 7 of "Rules of Procedure of the Medical Services Recruitment Board, 2013".

For Petitioners : Mr.R.Subramaniyan

For Respondents : Mr.T.Chezhian, AGP (R1)
Mr.L.Murugavelu (R2)

W.P. No. 30223 of 2019:-

- 1.Poonkodi.B
- 2.Sheena.M.S.
- 3.Pomitha.F
- 4.Jerlin.J



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

5. Anitha.F
6. Revathi.D
7. Kennadis.C
8. Reeta.A
9. Vigneshwari.S
10. Yuvarani.P
11. Synus Rebeccal.J
12. Sathya.M
13. Nisha.M
14. Vijayalavanya.P
15. Rexi Silviya Mary
16. Arulmozhi.K
17. Jasmin Chandra Subramonia
18. Kaviyasri.A
19. Poongodi.S
20. Anuja.R
21. Ponselvi
22. Rani.C
23. Meena.A
24. Reena.S
25. Rangammal.S
26. Bhakyalakshmi.A
27. Sagunthala.K

... Petitioners

-VS-

1. The Government of Tamil Nadu
Represented by its Secretary
Health and Family Welfare Department
Fort St. George, Chennai-600009.
2. Medical Services Recruitment Board
Represented by its Secretary
7th Floor, DMS Building
No.359, Anna Salai, Teynampet
Chennai-600006.
3. Ekam Foundation
Represented by its Trustee
New No.16, Old No.19
II Floor, Jayalakshmiipuram 1st Street
Nungambakkam, Chennai-600034.

... Respondents



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

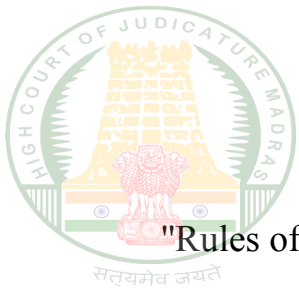
Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent leading to the publication of the impugned order in Provisional Selection List No.01/MRB/2019 dated 10.09.2019 in respect of the selection process for the post of Nurses for New Sick Born Care Unit and quash the same consequentially directing the second respondent to prepare and publish the list of selected candidates based on rankings of marks and communal reservation, strictly in compliance with Rule 6(B) and Rule 8(B) including list of reserve candidates complying with Rule 7 of "Rule of Procedure of Medical Services Recruitment Board, 2013".

For Petitioners : Mr.A.R.Nixon for Mr.R.Thirumalai

For Respondents : Mr.T.Chezhan, AGP (R1)
Mr.L.Murugavelu (R2)
R3-Not ready notice

COMMON ORDER

These writ petitions have been filed to call for the records relating to the order of the second respondent in provisional list in 01/MRB/2019, Notification of the Certificate Verification intimation issued on 30.08.2019 in No.01/MRB/2019 in respect of the selection process for the post of Nurses for New Sick Born Care Unit vide second respondent Notification dated 06.02.2019 and quash the same and consequently, direct the second respondent to prepare and publish the list of selected candidates strictly in compliance with Rule 6(B) and Rule 8(B) including the list of reserved candidates complying the Rule 7 of



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

"Rules of Procedure of the Medical Services Recruitment Board, 2013".

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2. The petitioners have applied to the post of Nurses in response to the Notification issued by the second respondent dated 06.02.2019 in No.01/MRB/2019.

3. The provisional selection list was published and in which the petitioners' names were not found though persons who have secured less marks than the petitioners were included in the selection list. Subsequently, the Certificate Verification notification was issued by excluding these petitioners. Even as per the Rules of the recruitment, the method of selection and seniority of selected candidates would be under Rule 6(A). The Rule 6(A)(ii) would provide that the selection of the eligible candidates will be on the basis of their ranks /marks obtained in the written examination by duly applying the Rules of reservation and other priorities assigned through specific orders of the Government and the candidates should also fulfill the qualification criteria. The petitioners claim that they fulfill all the above selection norms and they have also secured higher marks more than the cut off marks found in the selection list.

4. It is claimed by the petitioners that the petitioners came to know that they

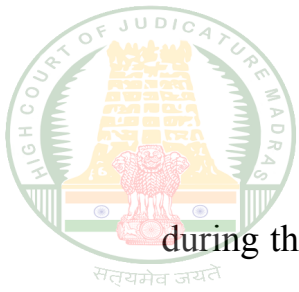


W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

have been arbitrarily discriminated just because they gained the prescribed experience by working in the private hospitals. They claimed that it is in violation of the principles of equality and right to get equal opportunity in employment.

5. The petitioners have further submitted that as per the rules, they have submitted their objection within a period of 10 days and 12 posts have been reserved in view of an interim order passed in W.P. No. 27260 of 2019, a Special Committee of Seven Members was constituted for certificate verification; one of the Experts Committee has interested in Ekam Foundation and because of such vested interest, candidates, who have requisite qualifications and who have obtained higher marks were rejected without any valid reasons.

6. The learned counsel for the respondents submitted that the petitioners have not uploaded prescribed Experience Certificates along with their applications as prescribed under Annexure-9 of the Notification Clause 6(b) and the Expert Team have furnished reports stating that the petitioners have no prescribed experience in new sick born Care Unit for three years as Nurses and hence, they are ineligible for appointment; as the above facts came to light,



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

during the verification of the Experience Certificates done by the Expert Team,

the petitioners were not included in the selection list. Hence, it is claimed by the respondents that there is no discrimination as alleged by the petitioners.

7. Similarly placed persons have raised the very same contention in the earlier writ petition filed in W.P. No. 20647 of 2021 in and by which the following observations had been made and the writ petition had been partly allowed by giving direction to re-consider the candidature of the petitioners by getting relevant information about their Experience Certificate directly from the hospitals, where they alleged to have worked and obtained the certificate. It is further observed that the Scrutiny Committee was biased in view of the vested interest shown by its Members and that will no doubt affect the prospectus of the selection of the petitioners to the posts. I feel it is appropriate to extract the relevant para of the above judgment for a better clarity:-

“ 5. The notification dated 06.02.2019 has been issued for recruitment of 520 Nurses (Sick Newborn Care Unit). Apart from the educational qualification, the candidates are required to possess the following additional qualification :



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W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

“ A certificate of at least three years experience in Sick Newborn Care Unit with 12 bed strength in the Government Institutions / Hospitals and Private Hospitals of having an in-house Obstetric department with turnover of at least 1000 deliveries per year except hilly areas / hard to reach / sparse facilities area or in the Government Institutions / Hospitals and Private Hospitals with paediatric facility with turnover of at least 500 neonatal admissions per year.”

6. It is the submission of the petitioner that though she had produced the certificate evidencing her additional qualification of three years experience in Sick Newborn Care Unit, she has not been considered. The petitioner had appeared for written examination and secured 48.50 marks and this was not denied by the respondents.

7. Earlier, the very same petitioner has filed a Writ Petition in W.P.No.34215 of 2019 seeking a direction to verify the petitioner's certificates and appoint her as Staff Nurse (SNCU) as per the notification dated 06.02.2019. In the said writ petition, the following direction has been issued:

“ 5. In view of the above developments, there shall be a direction to the second respondent to consider the representation made by the petitioner and inform the petitioner with regard to the certificates and other documents that were sent by her through speed post for verification and intimate her if she has been



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W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

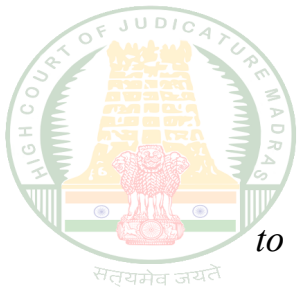
selected or rejected and the reasons for the same. Only with this information, the petitioner will be able to workout her remedy, if in case, she has not been selected. This whole exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. The petitioner is directed to give a fresh representation to the second respondent along with a copy of this order.”

8. The learned Standing Counsel for the second respondent submitted that as per the above direction, the experience certificate produced by the petitioner has been verified by constituting an Expert Committee and the Expert Committee rejected the said certificate for the following reasons:

“ i. As per eligibility criteria No.2, Extra mural (out born Unit), should be part of Paediatric facility with a turnover of at least 500 Neo Natal admission per year is mandatory but Anathapuri Hospital Private Limited, Tiruvandram, Kerala is having only 350 to 400 natal admission per year. Hence, this institution has not fulfilled the said eligibility criteria.

ii. As per eligibility criteria No.3, turnover of at least 1000 deliveries per year (Exception Hilly / Hard to reach spare area) is mandatory but Anathapuri Hospital Private Limited, Tiruvandram, Kerala, is having only 800-1000 deliveries per year. Hence, this institution has not fulfilled the eligibility criteria.”

9. However, it is submitted by the learned Senior Counsel for the petitioner that the appointment orders have been issued

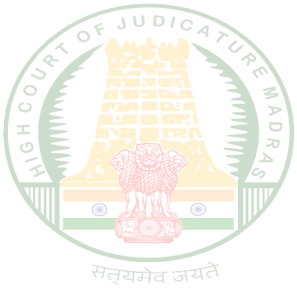


W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

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to other candidates who have produced the experience certificate which were not scrutinized by any Scrutiny Committee. It is the allegation of the petitioner that the petitioner's case was handled in a biased manner by constituting a special committee of seven members.

10. One of the members of the Expert Committee Dr.Srinevasan, M.D.(Paediatric), State IMNCI Nodal Coordinator, State IMNCI Nodal Centre, Chennai, has interest in Ekam Foundation through which the candidates for recruitment were sponsored. Certain alleged irregularities have also been shown to the Court that Dr.Srinevasan is interested in Ekam Foundation and the selection process was done in a biased manner. Attention was also drawn to the information obtained under Right To Information Act, by the petitioner in respect of the experience certificate produced by some of the selected candidates. On the basis of the said orders, it is claimed that some of the selected candidates have produced experience certificate in certain hospitals, but they actually did not have 12 bed strength as required in the notification.



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

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11. The petitioner has got higher marks in the written examination than the other candidates who were selected to the post. It is also shown to the Court that the certificate of experience produced by some of the candidates by name R.Lakshmi, S.Kavitha, K.Manivalli and A.Saranya were not true since the hospitals in which they have worked have less than 12 number of bed strength and they do not have a turnover of 1000 deliveries and 500 neonatal admissions per year.

12. It is claimed that the respondents overlooked the said facts while appointing other candidates but they have underestimated the hospital in which the petitioner had served and rejected her experience certificate.

13. A seven member committee has been constituted for certificate verification. It is alleged that the respondents did not adopt uniform procedure for certificate verification and even the expert committee constituted in this regard has bias in favour of certain candidates. The petitioner did not challenge the selection process by impleading all the selected candidates as parties to this proceedings. However, some of the records obtained under the Right To Information Act would show that



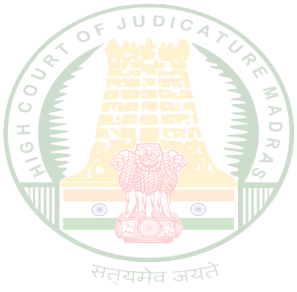
W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

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the hospitals in which certain selected candidates worked, did not meet the bed strength or turnover of deliveries and Neonatal Admissions.

14. Different yardsticks ought not to have been adopted by the respondents while selecting the candidates in contradiction to the norms prescribed in the notification. If relaxation is shown here and there in respect of the required number of bed strength, turnover of deliveries and neonatal admissions and some of the candidates are benefitted due to that, the same should have been extended to the petitioner also.

15. The petitioner cannot say that there should not be any Expert Committee for certificate verification. As per the submission of the respondents, the committee has been constituted as early as on 26.08.2019 and the provisional selection list was published on 28.09.2019. The petitioner submitted that two provisional list has been prepared with an intention to accommodate those nurses through Ekam Foundation. The materials have also been shown that one of the Expert Committee member is interested in Ekam Foundation.



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

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16. Since the selection list has been published after the constitution of Expert Committee, it cannot be said that the Expert Committee has been constituted only for the purpose of scrutinizing the petitioner's certificate and not for others. It can neither be claimed that the information about the constitution of the Expert Committee should have been stated in the notification. It is up to the recruiting authorities to have their own infrastructure facilities to verify the certificates produced by the candidates and those details need not form part of the notification.

17. The hospital where the petitioner has gained experience is said to be the hospital which has 18 bed strength and it has the required turnover of deliveries and neonatal admissions. The Expert Committee could have got required information from the Ananthapuri Hospital where the petitioner worked earlier and verified the particulars prescribed in the certificate produced by the petitioner. Hence, I feel the respondents shall be directed to reconsider the candidature of the petitioner on properly getting the information from the Ananthapuri Hospital.



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

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18. In the result the Writ Petition is partly allowed and the impugned order passed by the second respondent in Ref.No.2077/MRB/E6/2019 dated 11.02.2020 is hereby set aside and the respondents are directed to reconsider the candidature of the petitioner on getting the information properly from the Ananthapuri Hospital and Research Institute, Tiruvananthapuram, Kerala and appoint the petitioner, if she is so eligible."

8. As these petitioners are also similarly placed, I feel it is appropriate to grant relief to these peitioners also in the same line.

9. In the result, these writ petitions are partly allowed by setting aside the impugned orders insofar it has not included the petitioners' name and the respondents are directed to re-consider the candidature of the petitioners for selection by getting relevant informations from the hospitals, where they have worked and gained experience and as how stated in the certificates produced by them and thereafter, appoint them against the posts already reserved vide the interim order dated 27.09.2019 made in W.P. No. 27260 of 2019, if they are otherwise found eligible. Consequently, connected miscellaneous petitions are



W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

closed. No costs.

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06.03.2025

Index: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Secretary to the Government of Tamil Nadu
Health and Family Welfare Department
Fort St. George, Chennai-600009.
2. Medical Services Recruitment Board
Represented by its Secretary
7th Floor, DMS Building
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W.P. Nos. 27260, 28792, 29605, 30223, 32059 of 2019

R.N.MANJULA, J.

Maya

W.P. Nos. 27260, 28792, 29605, 30223 &, 32059 of 2019

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