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W.A.No.2705 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2705 of 2025

D.Amrish

.. Appellant

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary
Health and Family Department
Fort St. George, Chennai – 9.

2. Director of Medical & Rural Health Services
DMS Buildings, 359 Anna Salai
Teynampet, Chennai – 600 006.

3. The Medical Services Recruitment Board
Rep. by its Member Secretary
7th Floor, DMS Buildings
359, Anna Salai, Teynampet
Chennai – 600 006.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P.No.18976 of 2025 dated 18.06.2025.

For the Appellant : Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

For the Respondents : Mr.M.Bindran
Additional Government Pleader
for R1 and R2

Mr.L.Murugavel
Standing Counsel
for R3



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JUDGMENT

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(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 18.06.2025 made in W.P.No.18976 of 2025.

2. That the appellant was the writ petitioner, who is qualified to hold the post of Assistant Surgeon (Dental), for which, a notification was called for by the third respondent to fill up 47 posts of Assistant Surgeon (Dental), by issuance of Notification No.05/MRB/2025 dated 25.02.2025. Pursuant to the said notification, the appellant/writ petitioner also made an application and during the selection process in the competitive examination, since he participated, objective type questions were served on them, which was answered by the appellant/writ petitioner and other similarly placed persons.

3. The original vacancy of 47, notified in the Notification No.05/MRB/2025 dated 25.02.2025, has subsequently been enhanced to 48 by issuing an addendum in this regard by the third respondent, therefore, the total vacancy is 48. Out of the total vacancy of 48, distribution of vacancies to various communal categories, as stated in the status report filed by the respondents,



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especially the third respondent, reads thus:-

Category	G	W	DAP-G	Ex-Serv	PSTM		Total vacancies
				G	G	W	
GT	7	4	-	1	2	1	15
BC	3	3	2	1	2	1	12
BC(M)	-	1	-	-	1	-	2
MBC/DN C	5	3	-	-	2	-	10
SC	3	2	1	-	1	-	7
SC(A)	1	-	-	-	-	1	2
Total	19	13	3	2	8	3	48

Therefore, 12 vacancies, out of the 48, have been earmarked for Backward Class, which includes horizontal reservation for women, DAP-General, ex-Servicemen and then PSTM General as well as women.

4. After completing the examination, answer scripts were evaluated based on the tentative answer key provided by the third respondent. After the evaluation was over, marks were awarded to various candidates, however, there were numerous complaints, to the extent of more than 1400, received from 558 candidates on various questions. Mainly, objections were raised against question Nos.1, 32, 35, 47, 72 and 76.



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5. All these questions were referred to the subject experts and after getting opinion from the experts, it was informed that, insofar as question No.32 is concerned, the correct answer is either Option 1 or Option 2, therefore, whoever writes Option 1 or Option 2 would be entitled to get marks for question No.32.

6. Insofar as the appellant/writ petitioner is concerned, he wrote the answer for question No.32 as Option 1 and since as per the final answer key given by the expert team, either Option 1 or Option 2 would be the correct answer, the answer given by the appellant/writ petitioner is also correct, accordingly, he would be entitled to get one mark for question No.32, therefore, one mark has been added to him.

7. But, at the same time, insofar as question No.68 is concerned, since there have been a lot of objections given as the answer key given in this regard is a wrong one, again, it was referred to the experts and based on the experts' opinion, they found that Option No.1 would be the correct answer for question No.68. Whereas, the appellant/writ petitioner had chosen Option No.2 and some similarly placed persons also have chosen Option No.2 for question No.68, therefore, the one mark awarded



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initially based on the tentative answer key for question No.68 has to be withdrawn. Therefore, the one mark has been withdrawn for all these people, who had chosen Option 2 for question No.68, as the correct answer is Option 1, therefore, one mark has been withdrawn from the appellant/writ petitioner also.

8. Already, the appellant/writ petitioner secured 85 marks, however, as one mark is reduced, his score would be 84 marks, but, since one mark is added for question No.32, as stated *supra*, his total again would be 85 marks, therefore, his final tally of score is 85 marks.

9. With that final tally of marks, the selection process went on and the cut-off mark was 85 for Backward Class candidates and 16 candidates secured the same 85 marks, out of whom, since 11 candidates belonged to Backward Class, all the 11 candidates would be considered within the zone of consideration, however, only one could be given the post due to the vacancy. Therefore, those who secured 85 marks, being the last cut-off mark as per the procedure which has already been issued in this regard under Rule 6(C) of G.O.Ms.No.36, Health and Family Welfare Department dated 12.02.2014, the seniority in age shall be placed above among those



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who secured the same marks for final tally.

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10. Accordingly, 85 marks since has been secured by 11 Backward Class candidates, out of whom, since the appellant/writ petitioner stood in the 8th position and the 1st position candidate alone would be considered for selection, he was selected based on the age-wise seniority, as the 1st position candidate's Date of Birth is 16.10.1999, whereas, the appellant/writ petitioner's Date of Birth is 01.12.1999, therefore, obviously, he is junior to the 1st position candidate and since he is the 8th person, in between, there are seven persons, therefore, the question of him coming into the zone of consideration does not arise. Since the 1st position candidate has been selected, the appellant/writ petitioner could not have any grievance.

11. All this position now has been revealed by the third respondent through *Mr.L.Murugavel*, learned Standing Counsel appearing for the third respondent, who has filed a separate counter-affidavit, as well as a status report, as directed by us. That apart, as directed by us, the third respondent has produced the tentative answer key, as well as the final answer key before this Court in a sealed cover.



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12. In the final answer key and the tentative answer key, how the answers have been finalized for all the questions, including the disputed questions, namely question Nos. 32 and 68, have been given.

13. For question No.32, since one mark has to be added to the appellant/writ petitioner, which has been added, his original score of 85 has been enhanced to 86 marks. However, for question No.68, based on the final answer key, the awarded mark has to be reduced, therefore, one mark has been reduced for those who have written Option 2 for question No.68, including the appellant/writ petitioner. As one mark has been reduced, therefore, the 86 total marks became 85 marks and that would be the final score of marks secured by the appellant/writ petitioner, based on which, the selection was finalized, as discussed herein above.

14. Therefore, there has absolutely been no scope for any interference either in the selection made by the third respondent or in the order that has been passed by the learned Judge, which is impugned herein. Accordingly, this writ appeal is liable to be dismissed apart from the reasons stated by the learned Judge in the



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impugned order and also for the reasons which we have added, as discussed herein above in this judgment.

15. It is brought to our notice that the final key answer is not published so far by the third respondent and the submission made by the learned Standing Counsel appearing for the third respondent that, only after the completion of the final selection, the final answer key would be published in the website and once the final selection is over and the list is forwarded to the concerned Department, the final answer key would be published by the respondents, especially the third respondent, in due course, stands recorded.

16. Resultantly, the writ appeal is dismissed. However, there shall be no order as to costs.

(R.S.K., J.) (H.C., J.)
12.09.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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To:

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1. The Secretary
The State of Tamil Nadu
Health and Family Department
Fort St. George, Chennai – 9.
2. Director of Medical & Rural Health Services
DMS Buildings, 359 Anna Salai
Teynampet, Chennai – 600 006.
3. The Member Secretary
The Medical Services Recruitment Board
7th Floor, DMS Buildings
359, Anna Salai, Teynampet
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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.

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