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W.A.No.3800 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On	21.01.2025
Pronounced On	29.04.2025

Coram:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
and
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.A.No.3800 of 2024
and C.M.P.No.29901 of 2024

1.The Member,
Medical Services Recruitment Board (MRB)
7th Floor, DMS Building,
No.359, Anna Salai,
Teynampet,
Chennai – 600 006.

2.The Chairman,
Medical Services Recruitment Board (MRB)
7th Floor, DMS Building,
No.359, Anna Salai,
Teynampet,
Chennai – 600 006.

...Appellants

Versus

1.Revathi.R

2.The Secretary to Govt.
Health & Family Welfare Department,
Secretariat, Fort St.George,
Chennai – 600 009.



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3.The Director,
Directorate of Medical Education,
Poonamallee High Road,
Chennai – 600 010.

4.The Director of Medical and Rural Health Services,
DMS Campus, Teynampet,
Chennai – 600 006.

...Respondents

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent praying to allow the writ appeal and set aside the order dated 14.08.2024 of this Court made in W.P.No.23959 of 2024.

For Appellants : Mr.T.Arunkumar

For Respondents : Mr.K.Krishnan

JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

This intra Court Appeal is directed against the impugned order dated 14.08.2024 passed by the Writ Court in W.P.No.23959 of 2024.

2. By the impugned order, the Writ Court has allowed the above writ petition. The operative portion of the impugned order reads as under:



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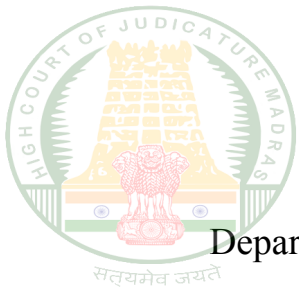
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“10. The petitioner was working as a Pharmacist in the V.O.C. Port, Authority Hospital, Tuticorin. This Hospital comes within the scope of a Government Medical Institution, since the COVID duty certificate has been counter signed by the District Health Officer, Thoothukudi. This Hospital comes under the Municipality and is very much a Government Medical Institution without any scope for doubt. The signature and the counter signature have been made by the competent persons as per G.O.Ms.No.107, Health and Family Welfare (C1) Department, dated 26.04.2024.

11. In view of the above, this Court holds that the petitioner is entitled for 2 marks as incentive marks, since, the petitioner has served for six months and one day as a Pharmacist during the COVID-19 pandemic and which is evident from the COVID duty certificate issued by the competent authorities. The petitioner has secured 66.77 marks in the written examination and the petitioner comes under the Backward Class (BC) community. The cut off mark for Backward Class (BC) community candidate is 65.58 marks. Since the petitioner will be entitled for 2 marks as incentive marks, she will get a total of 68.77 marks.

12. In the result, there shall be a direction to the 1st respondent to add 2 marks as incentive marks to the petitioner along with the marks obtained by the petitioner in the written examination. This direction shall be complied forthwith. The same shall be communicated to the 5th respondent. The 5th respondent shall permit the petitioner to participate in the counseling if the petitioner is otherwise eligible and consider the appointment of the petitioner to the post of Pharmacist. Accordingly, this Writ Petition is allowed with the above directions. Consequently, the connected Miscellaneous Petition is closed. No costs.”

3. The appellants have challenged the impugned order on the ground that the 1st respondent/writ petitioner had rendered service at a non specified institution outside the purview of Tamil Nadu State Government or local bodies named in G.O.Ms.No.107, Health & Family Welfare (C1)



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Department dated 26.04.2024 and the Writ Court has wrongly extended the scheme of incentive marks under the scheme for the service rendered by the 1st respondent/writ petitioner at a non specified institution.

4. By an order dated 14.08.2024 allowed W.P.No.23607 of 2024 and had directed the 5th respondent therein (2nd appellant herein) to add 5 marks as incentive marks to the petitioners therein along with the marks obtained by them in the written examination.

5. The 1st petitioner in the said writ petition had worked as Pharmacist at Government Primary Health Centre, Palapatti for a period of 25 months i.e., from 22.03.2020 till 30.04.2022. The 2nd petitioner in the said writ petition had worked as Pharmacist at Government Primary Health Centre, K.Keeranur – 624 616, Oddanchatram Taluk for a period of 31 months i.e., from 20.03.2020 till 31.09.2020. Hence, the Court has granted the relief sought by the petitioners therein as they had worked during the Covid-19 Pandemic.



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WEB COPY 6. As far as the 1st respondent/writ petitioner is concerned, she had worked as Pharmacist at V.O.Chidambaranar Port Authority Hospital, Tuticorin for a period of 6 months i.e., from 04.03.2020 till 04.09.2020. Recognizing the service of 1st respondent/writ petitioner, on 13.06.2024, the Chief Medical Officer, V.O.Chidambaranar Port Authority, Medical Department, Tuticorin had issued a Covid Duty Certificate to the 1st respondent/writ petitioner, wherein, it is stated that the 1st respondent/writ petitioner has rendered duty during the period between 04.03.2020 and 04.09.2020 in the V.O.Chidambaranar Port Authority Hospital, Tuticorin on Contract Basis under M/s.Good Shepherd System Service, Nazareth Institution with pay of Rs.15,000/- per month during Covid Pandemic. The said certificate was also counter signed by the District Health Officer, Tuticorin.

7. The benefit of G.O.Ms.No.107 Health & Family Welfare (C1) Department dated 26.04.2024 was denied to the 1st respondent/writ petitioner on the ground that the date of issuance of incentive marks could



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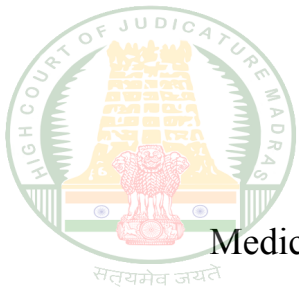
be considered only from **24.03.2020** i.e., date on which the lock-down of

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Country was imposed and therefore, the 1st respondent/writ petitioner was not eligible claim incentive marks as she had not rendered duty for a period of 6 months as per the Covid Duty Certificate issued by the Chief Medical Officer, V.O.Chidambaranar Port Authority, Medical Department, Tuticorin. That apart, it has been stated that V.O.Chidambaranar Port Authority Hospital, Tuticorin was not a Central Government Organization and the same was no way connected with the State Government of Tamil Nadu.

8. We have considered the arguments advanced by the learned counsel on either side and also, we have perused the materials placed before us.

9. In Paragraph No.6 of G.O.Ms.No.107 Health & Family Welfare (C1) Department dated 26.04.2024, it has been stated that the Director of Medical and Rural Health Services had requested the Government to grant incentive marks to the Pharmacists who have worked in the Government



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Medical Institutions during Covid Pandemic period in addition to the marks obtained by them in the examination held by Medial Services Recruitment Board (MSRB) for the post of Pharmacists subject to certain conditions specified therein.

10. As per the condition specified in said Government Order, the Pharmacists who have worked in “Government Medical Institutions” during Covid – 19 Pandemic for a period of minimum six months to one year continuously (6 to 12 moths) without break in service were eligible to get two marks as incentive marks.

11. V.O.Chidambaranar Port Authority, Tuticorin a Major Port Trust within the meaning of the Major Port Trusts Act, 1963 and is fully run by the Union Government. It operates as an autonomous body under the Ministry of Ports, Shipping and Waterways. The Hospital run by V.O.Chidambaranar Port Authority, Tuticorin is therefore a Hospital run by the Government Institution within the meaning of G.O.Ms.No.107 Health & Family Welfare (C1) Department dated 26.04.2024.



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WEB COPY 12. The 1st respondent/writ petitioner was also issued with a Covid Duty Certificate by the Chief Medical Officer of V.O.Chidambaranar Port Authority, Medical Department, Tuticorin. It would therefore mean that the 1st respondent/writ petitioner was eligible for two incentive marks under the aforesaid Government Order.

13. The decision of the Writ Court in W.P.No.23607 of 2024 which relates to the persons who worked in Government Primary Health Centre, Palapatti and Government Primary Health Centre, K.Keeranur – 624 616 respectively as Pharmacists. The ratio of the Writ Court in W.P.No.23607 of 2024 would apply to the facts of the present case as the V.O.Chidambaranar Port Authority Hospital, Tuticorin is also a Hospital run by the Government Institution as mentioned above. We are therefore of the view that there is no merit in the present writ appeal and it is liable to be dismissed.



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WEB COPY 14. Accordingly, this Writ Appeal is dismissed and the impugned order dated 14.08.2024 passed by the Writ Court in W.P.No.23959 of 2024 is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)
29.04.2025

mrr

Index : Yes

Neutral Citation: Yes/No

Speaking Order



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