



W.A.(MD) No.39 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.(MD) No.39 of 2020
and**

C.M.P.(MD) Nos.595 & 5748 of 2020 & 2418 of 2021

D.Sosuva Jebakumar

... Appellant

-vs-

- 1.The Secretary to Government
Health and Family
Welfare Department
Fort St.George, Chennai
- 2.The Medical Recruitment Board
rep.by it's Chairman
Chennai-6
- 3.The Director of Public Health and
Preventive Medicine
Chennai-6
- 4.S.Wilson David
- 5.A.Chitra



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- 6.P.Prasanna Kumar
- 7.K.Kanagaraj
- 8.V.Mariyappan
- 9.P.Sanikumar
- 10.L.Nagarani Rachel
- 11.N.Venkatesan
- 12.S.Jegan
- 13.C.Chennakesavan
- 14.R.Helan Freeda
- 15.A.P.Subramanian
- 16.M.Parasuraman
- 17.G.Venkatesan
- 18.P.Prasanna Kumar
- 19.A.Malarvizhi
- 20.J.Kavitha
- 21.N.Shanmugam
- 22.R.Raveendran
- 23.P.Prabha
- 24.K.Jaiganesh



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25.Pothu Sugatharathurai
Aaivaga Nutpunar Nalasangam
rep.by its President S.Parameswaran
S/o.C.Shanmuga Sundaram
48/84c, Annai Illam
Cantonment, Trichy District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 26.11.2019, passed in W.P.(MD) No.9199 of 2014, on the file of this Court.

For Appellant : Mr.M.Mohamed Zamil

For Respondents : Mr.S.P.Mararajan
Special Government Pleader for R1 & R3
Mr.A.Rajaram for R4 to R14
Mr.J.Sathiaraj for R25
No appearance for R2, R15 to R24

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The present intra-court appeal has been instituted against the order dated 26.11.2019 passed in W.P.(MD) No.9199 of 2014.

2. The writ petitioner is the appellant before this Court. The appellant states that he passed in Higher Secondary Course in Science with



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Certificate Course in Medical Laboratory Technology (CMLT). He registered his name in the Employment Exchange. The Department of Public Health and Preventive Medicine notified to fill up 171 vacancies in the post of Laboratory Technician Grade-III. The Employment Exchange sponsored 1291 candidates for filling up the said vacancies at the ratio of 1:5 and certificate verification was done. 323 Senior Tuberculosis Laboratory Supervisors and Laboratory Technicians were appointed on contract basis under the Revised National Tuberculosis Control Programme (RNTCP). Those contract employees filed writ petitions before this Court seeking permanent absorption in the existing Laboratory Technicians Grade-III.

3. When the matter stood like that, the appellant herein filed the writ petition in W.P.(MD) No.9199 of 2014 challenging the notification dated 25.02.2014, issued by the Medical Recruitment Board and to direct the respondents 1 to 3 herein to fill up the post of Lab Technician Grade-III by issuing an open advertisement in conformity with G.O.Ms.No.36, Health and Family Welfare (C2) Department, dated 12.02.2014.



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4. The notification impugned in the writ petition is an application for special qualifying exam for the post of Lab Technician Grade-III. The said notification was issued exclusively for the 188 reverted back contract employees of RNTCP. Therefore, it is a special qualifying examination conducted only for the contract employees of the RNTCP Scheme, who were reverted back. The appellant being an open market candidate challenged the same mainly on the ground that all the eligible candidates must be permitted to participate in the special qualifying examination.

5. The very relief sought for in the writ petition is untenable in view of the fact that the appellant is not a reverted back employee from the RNTCP Scheme. He was an open market candidate aspiring to secure public employment. The notification impugned in the writ petition is for the special qualifying examination exclusively for 188 reverted back contract employees of RNTCP. Therefore, Court cannot interfere in such a policy decision of the Government to conduct the special qualifying examination for the reverted back contract employees. It is needless to state that special examinations are conducted to ensure that the regular appointments are made in accordance the rules in force. Thus, the appellant is not eligible to participate in the



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special qualifying examination conducted the notification impugned in the writ petition.

6. Pertinently, the said notification was published on 25.02.2014 and eleven years lapsed. Thus, the issue lost its relevance. More so, the process of selection was also concluded. The appellant cannot equate himself with the reverted back contract employees of RNTCP. Whenever, a recruitment notification is issued for open competition process, the appellant may participate in the selection process, if he is otherwise qualified. Therefore, this Court do not find any infirmity in respect of the writ order passed by the learned Single Judge and the same is confirmed.

7. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[A.D.M.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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- 2.The Director of Public Health and
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