



W.P.(MD).No.15244 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15244 of 2025

and

W.M.P.(MD)No.11518 of 2025

S.Manivannan

... Petitioner

-vs-

1. The State of Tamilnadu,
Represented by its Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai 600 006.

3. The Commissioner,
Directorate of Indian Medicine and Homoeopathy,
Arumbakkam,
Chennai 600 106.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to issue a fresh selection list, consequently forbearing the 2nd and 3rd respondents from conducting the counselling dated 04.06.2025, vide Ref No.5851/E1/2/2025 in accordance with law by this Court.



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For Petitioner : Mr.V.Arunagiri

For Respondents : Mr.Ajmal Khan (R1 & R3)

Additional Advocate General

assisted by

Mr.M.Siddharthan

Addl. Govt. Pleader

Mr.V.Ramesh (R2)

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to issue a fresh selection list and also to forbear the 2nd and 3rd respondents from conducting the counselling dated 04.06.2025, vide Ref No. 5851/E1/2/2025 in accordance with law by this Court.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner has registered himself as a 'Doctor' in Tamil Nadu Board of Indian Medicine (TNBIM) in the year 2018. Pursuant to the notification dated 14.08.2020 & 26.10.2021, the petitioner applied for the post of 'Assistant Medical Officer / Lecturer Grade – II (Yoga and



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Naturopathy)' and he appeared for the examination on 23.03.2025. In the meanwhile, the petitioner has also completed his PG in April 2025. The petitioner was ranked at 65, as per the certificate verification notification. Pursuant to the certificate verification process, the second respondent has issued the provisional selection list on 28.05.2025, wherein the petitioner's name was not there. Hence, the petitioner came before this Court.

4. The learned counsel appearing for the petitioner submits that the petitioner produced the PSTM certificate and there is no tamil medium course for BNYS and hence, the second respondent ought to have considered the petitioner for selection. He further submits that some of the candidates who did not upload the final degree certificate on the date of the said notification, have also been selected and hence, the petitioner seeks for issuance of fresh selection after fair verification of all the candidates.

5. The learned Additional Advocate General appearing for the respondents 1 and 3 brought to the notice of this Court to the judgment of the Hon'ble Supreme Court in the case of ***Rashmi Mishra vs. M.P. Public Service Commission and Others*** reported in ***2006 (12) Supreme Court Cases 724***, wherein it is held as follows:-



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“15. In the aforementioned situation, all the seventeen selected candidates were necessary parties in the writ petition. The number of selected candidates was not large. There was no difficulty for Appellant to implead them as parties in the said proceeding. The result of the writ petition could have affected the appointees. They were, thus, necessary and/or in any event proper parties.

...

30. In the instant case, however, as all the selected candidates were not impleaded as parties in the writ petition, no relief can be granted to the appellant.

31. The appeal is dismissed with the aforementioned observations and directions. No costs.”

6. In the instant case also, the petitioner has not impleaded all the selected candidates, who are the necessary parties to be impleaded in this writ petition. Since the selected candidates have not been impleaded as parties in this writ petition, the result of this writ petition could have necessarily affect the appointees.

7. In view of the above said observations and also considering the ratio laid down by the Hon'ble Supreme Court, this writ petition stands dismissed. However, the petitioner is at liberty to challenge the selection list, if he is so



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advised. There shall be no order as to costs. Consequently, connected
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miscellaneous petition is closed.

09.07.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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TO:-

1. The State of Tamilnadu,
Represented by its Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner,
Directorate of Indian Medicine and Homoeopathy,
Arumbakkam,
Chennai 600 106.

Order made in
W.P.(MD)No.15244 of 2025

Dated:
09.07.2025