



W.P.(MD)No.18358 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 24.01.2025

DELIVERED ON : 27.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.18358 of 2019

P.Dinesh Kumar,
S/o Padmanabhan,
No.1/43, East Street,
Vadakkampatti Post,
Thirumangalam Taluk,
Madurai District.

... Petitioner

Vs.

The Member Secretary,
Medical Services Recruitment Board,
7th Floor, TMS Building,
359, Annasalai,
Teynampet,
Chennai-6.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent board to conduct a special test for the recruitment to the post of male Nurse so as to enable the petitioner to participate in the examination by considering the representation of the petitioner, dated 11.07.2019 and pass such further or other orders as this Court may deem fit and proper in the facts and circumstances of the case.



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W.P.(MD)No.18358 of 2019

For Petitioner : No Appearance
For Respondent : Mr.V.Ramesh
Standing Counsel
ORDER

Heard both sides.

2. The petitioner was an aspirant for the post of Nurse in the Medical Service Department of the Government of Tamil Nadu. The Respondent, Medical Service Recruitment Board (MRB) issued a notification dated 06.02.2019 calling for applications for the post of Nursing in the Sick Newborn Care Unit for 520 vacancies. It is stated that 2,391 candidates applied for the post online and were given hall tickets for the examination, which was conducted on 09.06.2019. The marks secured by the candidates were published on 10.06.2019, and the petitioner had secured 46 out of 100 marks.

3. It is also stated that the Respondent MRB issued another notification dated 07.02.2019 inviting applications to fill up 2,345 vacancies for the post of Nurse. A total of 62,789 candidates had applied. A competitive exam was held on 23.06.2019 in five centres. Though the



W.P.(MD)No.18358 of 2019

petitioner initiated applying for the said post, he did not complete all stages of the application requirements.

4. It is the case of the petitioner that he had sent an online application on 11.03.2019 after paying appropriate fees through Internet banking and was waiting for the hall ticket. No hall ticket was made available on the website, and he contacted the Respondent through email and was asked to wait. As he did not get any reply and the hall ticket, he went to the exam centre in Madurai on 23.06.2019 and approached the invigilator at the centre. He was not able to give him a hall ticket. Hence, he requested that a special test be conducted specifically for him.

5. After sending a representation on 11.07.2019, the petitioner filed a writ petition seeking a direction to consider his representation and conduct a special test. Therefore, the writ petition came to be filed with the above prayer. In the above writ petition, notice was ordered on 26.08.2019. The learned Standing Counsel for the Respondent took notice. Thereafter, it was tagged along with other Writ Petitions connected with the same recruitment process.



6. The respondent, in their counter affidavit dated 28.02.2020, had stated as follows:

“ 4.The process of applying through the Online of the Medical Services Recruitment Board has four stages:

- i. Primary registration*
- ii. Personal details*
- iii. Educational Qualification*
- iv. Payment / Preview / Printout*

The individual has not completed the final stage of online application by remitting the prescribed fees for applying online. On completion of final stage of the online application, the candidate will be able to preview the application and also he can take a printout of the same. In the present case, the petitioner has not paid the fees, hence his application is incomplete and was not feasible for issuing of Admit Card for the examination conducted on 23.06.2019.

5. The petitioner has completed only 3 stages and has not completed the final stage i.e., remittance of fee amount and without paying the fees, the application cannot be generated. Hence his application has not been completed. In the process of applying through online, all the steps should be completed and then only application can be generated. If the application is generated at th? stage of completion of work of applying for the post, the Admit card can be downloaded from the website, two weeks before the commencement of examination as in the case of other candidates. The petitioner neither produced the proof for completion of application namely copy of application generated nor procluced the receipt for payment of fees for online application.

6. It is also submitted that in Notification No.2/MRB/2019, dated: 07.02.2019, detailed instructions in Annexure- 1 in para-(m) is as follows:-

“If the transaction is successful, Registration slip will be generated. Candidates are advised to take



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W.P.(MD)No.18358 of 2019

a printout of registration slip for future reference.

Note:

Candidates are advised in their own interest to apply on-line and remit fee much before closing date and not to wait till the last date to avoid last minute internet connectivity issues.”

But the petitioner has not submitted printout of the online application for the post of Nurses as indicated in the Notication to ensure himself that he has completed the registration. He has also not submitted the receipt for payment of fees.

7. It is submitted that the petitioner has not completed the payment stage of online application and hence his registration has not been completed in online. Only on his completion of the registration in online his name will be processed automatically to generate Admit card. Hence, due to incomplete application for the post Nurse and without paying prescribed fees the Board has not issued Admit card. Without Admit card, the Board cannot allow him to write the examination and hence the petitioner's plea is not be feasible for consideration.”

7. In the other WPs including in W.P.(MD)No.23469 of 2019, which was dismissed as withdrawn by an order, dated 24.01.2025, the Respondent MRB had taken a stand that a total of 62,789 candidates were applied and the written examination was held on 23.6.2019 in 69 centres in five districts. In the counter affidavit filed in that W.P., it was stated that the candidates with the order of merit and communal roster were published on the website on 04.09.2019. Certificate verification was conducted from 12.09.2019 to 04.10.2019. It was also stated that all



W.P.(MD)No.18358 of 2019

candidates called for certificate verification were shortlisted as per the rules of reservation in the order of merit of the respective community as per the provisions of Section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

8. It has been more than five years since the filing of this writ petition, and all the selected candidates from the 2019 recruitment cycle have likely joined their duties and served for over five years. The petitioner's act of merely sending a representation, waiting for a reply, and subsequently approaching this Court seeking a special test is misconceived. The recruitment notification specified the number of vacancies, and once those vacancies are filled, there is no scope for conducting a special recruitment test solely for the petitioner. Furthermore, unless the petitioner challenges the appointments of the selected candidates and makes them parties to the writ petition, at least in a representative capacity, the current prayer is untenable.

9. The respondent, in its counter, has refuted the petitioner's allegations as outlined above. Such disputed questions of fact cannot be adjudicated in a writ petition. It is important to note that once the



W.P.(MD)No.18358 of 2019

recruitment process is completed, the demand for a special test, especially after a lapse of five years, cannot be entertained. Also, a writ petition of this nature is not maintainable unless the selected candidates are made parties in a representative capacity.

10. Accordingly, the Writ Petition is found to be misconceived and stands dismissed. There will be no order as to costs.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

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W.P.(MD)No.18358 of 2019

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W.P.(MD)No.18358 of 2019

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