



W.P.(MD)No.20104 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.20104 of 2024

M.Muthukumar

: Petitioner

Vs.

1. State of Tamil Nadu Represented By,
The Additional Chief Secretary to Government,
Health and Family Welfare Department (C2),
Secretariat, Fort St. George,
Chennai - 600009.
2. The Medical Services Recruitment Board,
Represented by the Member Secretary,
The Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai – 600 006.
3. The Directorate of Medical Education,
Represented by the Director,
The Directorate of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600010.
4. The Director of Medical And Rural Health Services,
DMS Building, 359, Anna Salai,
Teynampet,
Chennai - 600006.



W.P.(MD)No.20104 of 2024

5. The Director of Medical And Rural Health Services (ESI),
WEB COPDMS Building, 359, Anna Salai,
Teynampet,
Chennai - 600006.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Letter No. 36654 / C2/2021-07 dated 16.07.2024 on the file of the 1st respondent and quash the same as illegal and consequently for a direction, directing the 1st respondent to appoint the petitioner in the post of Radiographer in any Government Hospital in the State of Tamilnadu by considering Seniority system as followed in the G.O.(Ms) No. 36 dated 12.02.2014, and not in accordance with Wightage system as per the G.O. (Ms) No. 401, Health and Family Welfare (C2) Department dated 16.12.2014 due to the petitioner have graduated in Diploma in Radio Diagnosis Technology (DRDT) Course and registered in Employment Exchange (VRD2014M0002105) dated 12.08.2014.

For Petitioner : Mr.S.Sargunam

For Respondents : Mr.S.R.A.Ramachandhran (R1, R3toR5)

Additional Government Pleader

Mr.V.Ramesh (R2)

ORDER

This writ petition has been filed challenging the impugned order in Letter No. 36654 / C2/2021-07 dated 16.07.2024 on the file of the 1st



W.P.(MD)No.20104 of 2024

WEB COPY

respondent with a consequential direction to the 1st respondent to appoint the petitioner in the post of Radiographer in any Government Hospital in the State of Tamilnadu, by considering Seniority system as followed in the G.O.(Ms)No.36 dated 12.02.2014, and not in accordance with Weightage system as per the G.O.(Ms)No.401, Health and Family Welfare (C2) Department dated 16.12.2014, since the petitioner have graduated in Diploma in Radio Diagnosis Technology (DRDT) Course and registered in Employment Exchange (VRD2014M0002105) dated 12.08.2014.

2. The petitioner, who has completed Diploma in Radio Diagnosis Technology in the year 2014 and registered his name in the employment exchange as early as on 20.08.2014, applied for direct recruitment to the post of Radiographer and the second respondent issued a notification dated 04.10.2017 to appear for certificate verification. The petitioner also appeared for certificate verification. Pursuant to the same, the provisional selection list was issued by the second respondent on 24.03.2018, wherein the petitioner's name was not found, since the selection process was based on percentage of marks. The petitioner filed a writ petition before this Court in WP(MD)No.18803 of 2021 seeking



W.P.(MD)No.20104 of 2024

WEB COPY

appointment to the post of Radiographer, wherein this Court directed the petitioner to make a fresh representation before the first respondent therein, who in turn was directed to pass orders thereon within a period of four months from the date of receipt of a copy of the order. Pursuant to the same, on considering the petitioner's representation, the impugned order dated 16.07.2024 came to be passed.

3. The learned counsel appearing for the petitioner submitted that the selection process would be on the basis of the seniority, not on the basis of weightage of marks fixed and the selection process based on the weightage of marks is unsustainable one and hence, he prays this Court to set aside the impugned order.

4. Per contra, the learned Additional Government Pleader appearing for the official respondents relied upon the counter affidavit filed by the first respondent and submitted that the method of recruitment through medical service recruitment board has been switched over from employment exchange seniority to weightage method as per GO.Ms.No. 401, Health and Family Welfare Department, dated 16.12.2014, which was issued as per the order of this Court. He further submitted that



W.P.(MD)No.20104 of 2024

WEB COPY

calling for certificate verification would not confer any rights to the candidates to be selected for that post. The petitioner belongs to MBC category and he secured 67.08 marks out of 100. However, the last candidate selected in MBC category secured the marks 70.07 out of 100 and hence, the petitioner was not selected to the post of Radiographer.

5. The learned counsel appearing for the second respondent, by relying upon the counter affidavit filed by the second respondent, concurs with the same lines of the first respondent. He also submitted that the petitioner's claim for selection on par with his junior, one Suganya, has been rejected vide the impugned order, since she was eligible for appointment to the post of Radiographer during the year 2013 itself, as she is having higher qualification.

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

7. Admittedly, the petitioner was called for certificate verification. However, he was not selected, since he has got less marks than the succeeded candidates. Mere calling for certificate verification would not



W.P.(MD)No.20104 of 2024

WEB COPY

confer any rights to the candidates to be selected for the particular post. The selection is only based on the weightage of marks as per GO.Ms.No. 401, Health and Family Welfare Department, dated 16.12.2014, which was issued as per the order of this Court. Further, the petitioner, who is in MBC category, secured 67.08 marks out of 100. However, the last candidate selected in MBC category secured the marks 70.07 out of 100 and therefore, he was rightly not selected. Further, the petitioner registered in employment exchange only in the year 2014 and hence, he is not entitled for selection on par with said Suganya, who was eligible for appointment to the post of Radiographer during the year 2013 itself, as she is having higher qualification and therefore, his request was rightly rejected through the impugned order. In view of the same, the impugned order need not be interfered with. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

13.08.2025

Index : Yes / No
NCC : Yes / No
sm



W.P.(MD)No.20104 of 2024

WEB COPY

To:-

1. The Additional Chief Secretary to Government,
Health and Family Welfare Department (C2),
Secretariat, Fort St. George,
Chennai - 600009.
2. The Directorate of Medical Education,
Represented by the Director,
The Directorate of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600010.
3. The Director of Medical And Rural Health Services,
DMS Building, 359, Anna Salai,
Teynampet, Chennai - 600006.
4. The Director of Medical And Rural Health Services (ESI),
DMS Building, 359, Anna Salai,
Teynampet,
Chennai - 600006.



WEB COPY



W.P.(MD)No.20104 of 2024

M.DHANDAPANI, J.

Sm

W.P.(MD) No.20104 of 2024

13.08.2025