



W.P.(MD)No.14484 of 2017

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.14484 of 2017

and

W.M.P(MD)Nos.11355 & 11356 of 2017

T.Suresh,
S/o Thankayan,
Praphavilai, Kuttuthani,
Palappalam Post,
Kanyakumari District.

... Petitioner

Vs.

1.The State of Tamil Nadu represented by
Its Principal Secretary to Government,
Health & Family Welfare Department,
Chennai-600 009.

2.The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk,
Chennai-600 010.

3.Medical Services Recruitment Board (MRB),
Represented by its Member Secretary,
7th Floor, DMS Building,
No.359, Annasalai,
Teynampet,
Chennai-6.

4.The Dean/Principal,
Kanyakumari Government Medical College and Hospital,



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Asaripallam,
Kanyakumari District.

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5.C.Samuel Raj,
S/o M.Chellathurai,
3/164, Ambathuvilai,
Verlilambi Post,
Nagarcoil, Kanyakumari District.

6.P.Jeya Suthan,
S/o Not known,
Thidal, Kadukkarai Post,
Kanyakumari District.

7.A.Ajith Kumar,
S/o Not known,
Karungal,
Mulagumoodu Post,
Kanyakumari District.

... Respondents

Prayer in W.P(MD)No.14484 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the records pertaining to the impugned notification issued by the 3rd respondent in Notification No.04/MRB/2017, dated 08.05.2017 and consequential appointment order granted to the respondents 5 to 7 in Ref.No.6331/E3/2017-3, dated 14.07.2017 issued by the 4th respondent and pass such further or other orders as this Court may deem fit and proper.

Prayer in W.M.P(MD)No.11355 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to dispense with the production of the original impugned notification issued by the 3rd



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respondent in Notification No.04/MRB/2017, dated 08.05.2017 and consequential appointment order granted to the respondents 5 to 7 in Ref.No.6331/E.3/2017-3, dated 14.07.2017 issued by the 4th respondent.

Prayer in W.M.P(MD)No.11356 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to stay the operation of appointment order granted to the respondents 5 to 7 in Ref.No.6331/E.3/2017-3, dated 14.07.2017 issued by the 4th respondent pending disposal of the above writ petition.

For Petitioner : Mr.R.J.Karthick
For R1,R2 & R4 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R3 : Mr.V.Ramesh
Standing Counsel
For R5 – R7 : No Appearance

ORDER

Heard both sides.

2. The Petitioner is seeking to quash the notification dated 08.05.2017 issued by the Medical Service Recruitment Board (R3), wherein applications were invited for temporary direct recruitment to the post of Plaster Technician Grade II, and the orders of the 4th Respondent



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dated 14.07.2017 in giving appointment to the respondents 5 to 7.

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3. When this writ petition came up on 13.06.2023, it was directed to be posted along with several other writ petitions since all those writ petitions were also related to recruitment by the 3rd Respondent MRB though the posts were not the same and the recruitment notifications were also different. But they were heard along with the batch, a separate order is pronounced in view of the above.

4. The petitioner was appointed as a Sanitary Worker, and his services were confirmed. With the authorities' permission, he pursued the Paramedical Certificate Course for orthopaedic technicians at the 4th respondent College and completed a one-year course with six months of internship training. He was issued with the Orthopedic Technical Paramedical Certificate. He was promoted to the post of Hospital Worker.

5. The 3rd respondent MRB issued a recruitment notice dated 08.05.2017 calling for candidates for the post of Plaster Technician Grade II. As per the notification, the educational qualification for the post of



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Plaster Technician Grade - II was a pass in higher secondary examination and also a one-year certificate course in the Orthopedic Technician conducted by T.N.Government.

6. The Paramedical Course in various government hospitals are governed by the Special Rules relating to Tamil Nadu Medical Subordinate Service. The post of Plaster Technician Grade-II comes under Branch IV- General Class III Category 3. As per the Rule 3 of the Special Rules, the appointment shall be made as follows:

Category 3 –

Plaster Technician, Grade II:

*(i) By promotion from the category of Nursing Assistant, Grade II;
or*

(ii) By direct recruitment if no qualified and suitable candidate is available for appointment by promotion from the category of Nursing Assistant, Grade II.

7.As per the Special Rules, the petitioner is not eligible to be promoted from the post of Hospital Worker to Plaster Technician Grade II as he never worked as a Nursing Assistant Grade II and direct recruitment is permissible only when a suitable candidate for promotion was not



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available from the said post.

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8. It was a case of the 4th respondent that pursuant to the advertisement dated 08.05.2017 impugned in the writ petition, the petitioner never applied as per the same and nothing prevented the petitioner for applying for the same as per the notification by duly obtaining No Objection Certificate from the 4th respondent, but the petitioner failed to do the same. It was also stated that the 5th to 7th respondents along with several others applied for the post and interviews were conducted by the 3rd respondent and finally the respondents 5 to 7 were selected. They also joined duty pursuant to the selection on 18.07.2017 and 19.07.2017 and it was long after their selection, the writ petition came to be filed by the petitioner.

9. Initially notice was ordered to R5 to R7 on 03.08.2017 and a private notice was also directed to be served on the respondents. The counsel for the petitioner filed an affidavit of service dated 09.08.2017 along with acknowledgements of notices being received by the respondents 5 to 7.



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10. In the counter affidavit filed by the 3rd respondent MRB, in

Paragraph Nos.3 and 4 it has been averred as follows:

"3.....

As per the position note given by the Director of Medical Education, the petitioner is working as Hospital Worker attached to Kanyakumari Medical College, Asaripallam, Kanyakumari and the petitioner is not eligible for appointment to the post of Plaster Technician Grade-II by promotion since he does not hold the post of Nursing Assistant Grade II and hence does not possess the required Qualification.

4. It is submitted that the 3rd respondent i.e. Medical Services Recruitment Board has issued notification No. 04/MRB/2017, dated 08.05.2017 inviting applications from the eligible candidates for appointment to the post of Plaster Technician Grade - II, by direct recruitment and the vacancies meant only for direct recruitment indented by the HODs were notified and Provisional Selection List has been issued vide Notification No.04/MRB/2017, 20.06.2017. The Provisionally Selected Candidates have been issued with appointment orders by the concerned appointing authorities and most of them have joined duty."

11. Given the above, the attempt made by the petitioner to quash the notification dated. 08.05.2017 and the consequential appointments given to the respondents 5 to 7 dated 14.07.2017 does not call for any interference, the writ petition is misconceived accordingly and will stand dismissed. No order as to costs. Similarly, the Miscellaneous Petition in W.M.P.(MD)No.11356 of 2017 seeking for a stay of the operation of the



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appointment in favour of respondents 5 to 7 also stands dismissed and

W.M.P(MD)No.11355 of 2017 stands closed.

27.01.2025

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

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To

- 1.The Principal Secretary to Government,
Health & Family Welfare Department,
Chennai-600 009.
- 2.The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk,
Chennai-600 010.
- 3.The Member Secretary,
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