

W.P.(MD) No.31398 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.31398 of 2024

Dr.Binija

... Petitioner

Vs.

1.The Principal Secretary to Government,
Health & Family Welfare Department,
Fort St. Goerge, Chennai – 600 009.

2.The Director of Public Health
and Preventive Medicines,
DMS Building, Teynampet,
Chennai – 600 006.

3.The District Collector,
Kanyakumari District.

4.The Deputy Director of Health Sciences,
Nagercoil,
Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the



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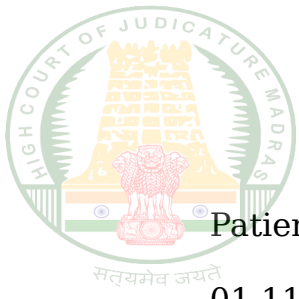
respondents to consider the claim of the petitioner for appointment as Medical Officer by considering the petitioner's application dated 02.11.2024 within a time period that may be fixed by this Court.

For Petitioner : Mr.B.Karunanithi
For Respondents 1 to 4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed seeking a Writ of Mandamus to direct the respondents to consider the claim of the petitioner for appointment as Medical Officer by considering the petitioner's application dated 02.11.2024 within a time period that may be fixed by this Court.

2. The case of the petitioner is that the petitioner is practicing Medicine after completion of MBBS during 2018 and registered with the Tamil Nadu Medical Council. She worked in various hospitals during Covid-19 pandemic, such as (I) CHC Vellarada Trivandrum District, Kerala for the period between 06.02.2019 and 15.06.2019; (ii) Kottaraveedu Charitable Out Patient St. Antony Clinic, Kanyakumari District for the period between 16.06.2019 and 01.04.2020; (iii) NIMS Hospital between 02.04.2020 and 31.10.2021; (iv) Kottaraveedu Charitable Out



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Patient St. Antony Clinic, Kanyakumari District for the period from
01.11.2021.

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3. The Medical Recruitment Board issued an advertisement towards recruitment of 1220 medical officers posts on regular basis. The petitioner made application for that and secured 42 marks in the examination. As the Covid-19 experience certificate has not been considered while awarding the marks, the petitioner filed W.P.No.32609 of 2022. The said Writ Petition was disposed of by order dated 02.12.2022, directing the petitioner to submit a fresh representation to the first and second respondents seeking for grant of regular appointment as Additional Surgeons, considering the Covid-19 service rendered by her during all three Covid-19 waves and their eligibility in the Medical Recruitment Board Examination 2018, in the existing vacancy, within a period of two [2] weeks from the date of receipt of a copy of the order. On receipt of the said representation, the first and second respondents were directed to pass final orders on merits and in accordance with law, within a period of eight [8] weeks thereafter, in the light of the judgment of the hon'ble Apex Court dated 30.04.2021 in Suo Motu Writ Petition (Civil) No.3 of 2021 in 'InRe: Distribution of Essential Supplies and Services During Pandemic' and the Central Government notification dated 03.05.2021.



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4. Subsequent to the said direction, the Director of Public Health and Preventive Medicine issued proceedings made in R.No. 3020351/E5/a3/2022 dated 30.12.2022 and Letter No.E3586039/B1/2022-1 of the Health and Family Welfare (Br) Department dated 08.03.2023 stating that 40% preferential marks given by Government to be used for applying for the post of Medical Officer to Urban Health and Wellness Centre under the National Health Mission. Subsequently, the petitioner submitted a representation dated 12.10.2023, requesting to consider her for the appointment as Medical Officer in Urban Health and Wellness Centre.

5. On behalf of the respondents a counter affidavit has been filed, wherein it is stated that the notification dated 02.02.2023 to fill up the Medical Officers on contract basis and the petitioner's representation dated 12.10.2023 sought for to consider the appointment as Medical Officer in Urban Health and Welfare Centre. The petitioner participated in the selection process and secured 25 marks. It is further averred that the resident certificate and Covid-19 experience certificate in R.116/E4/2023-65 issued by Joint Director, Medical & Rural Health Services, Kanyakumari District could not be considered due to the fact that the same was



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not in accordance with relevant rules that her Covid experience is since out of her native district and thereby much weightage cannot be given to that impugned Covid-19 experience certificate.

6. Learned Additional Government Pleader appearing for the respondents would submit that the petitioner might have rendered her service during the Covid-19 in the State of Kerala and for that service, she has to obtain certificate from the competent authority to claim the weightage marks. But the petitioner submitted Covid-19 experience certificate dated 07.02.2023 from the Joint Director, Medical & Rural Health Services, Kanyakumari District, claiming the services rendered at Trivandrum of Keral State, which is impermissible.

7. On careful perusal of the materials available on record, there is substantial force in the submission of the learned Additional Government Pleader in view of the fact that the petitioner did not submit the experience certificate from the competent authority under whose jurisdiction the petitioner rendered Covid-19 service. As such, in our considered view, she is not entitled for the relief sought for in the present writ petition.



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8. For the aforesaid reasons, this Writ Petition is dismissed.

There shall be no order as to costs.

24.02.2025

NCC : Yes/No

Index: Yes/No

Internet : Yes

MR



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BATTU DEVANAND, J.

MR

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