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WP No. 5608 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 5608 of 2026
and W.M.P.Nos.6087 & 6089 of 2026

P.V.Jaganathan

..Petitioner(s)

Vs

1.Director of Public Health
No.359, Anna Salai, DMS Complex,
Teynampet, Chennai-600006.

2. Member Secretary
Medical Services Recruitment board,
7th Floor, DMS Building, 359, Anna Salai,
Teynampet, Chennai-600006.

3. Superintendent
Medical Services Recruitment board,
7th Floor, DMS Building, 359, Anna Salai,
Teynampet, Chennai-600006.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for records in PSL.No.01/MRB/2026 dated 28.01.2026 on the file 2nd Respondent and quash the same as illegal, arbitrary and without jurisdiction and consequently to direct the 2nd Respondent appoint the Petitioner as Health Inspector Grade – II.

For Petitioner(s)

:Ms.Dhaaranee
for M/s.V.Srimathi

For Respondent(s)

: Mr.K.Tippusulthan,
Government Advocate for R-1

:Mr.S.J.Mohd Sathick for RR-2 & 3



ORDER

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This Writ Petition has been filed challenging the provisional selection list for the post of Health Inspector Grade-II with reference to the recruitment notification dated 27.10.2025 issued by the 2nd respondent.

2. The petitioner had participated in the selection process pursuant to the recruitment notification dated 27.10.2025 for appointment to the post of Health Inspector Grade-II issued by the 2nd respondent and secured 70 marks. As per the said notification, candidates who had rendered service during COVID-19 period are entitled to grant of four incentive marks. It is the case of the petitioner that, though the petitioner squarely falls within the said category, he was not granted incentive marks despite his eligibility and production of valid COVID-19 duty certificate and consequently, his name was not included in the impugned selection list. Aggrieved by which, the petitioner has come up with the present Writ Petition.

3. Learned counsel appearing for the petitioner submitted that the act of the respondents is denying the incentive marks to the petitioner as also the impugned selection list is wholly arbitrary and illegal as the same is contrary to clause 7-B of the notification itself which prescribes for grant of incentive marks to candidates upon their production of COVID-19 duty certificate being



issued by the competent authorities. He further submitted that, had the incentive marks been granted to the petitioner, he would have been placed at higher rank and had fallen within the zone of consideration for the post of Health Inspector Grade-II. Accordingly, he prayed for allowing the Writ Petition.

4. Learned counsel appearing for the 2nd and 3rd respondent submitted that as per the notification, the COVID-19 duty certificate must be signed by the Deputy Director of Health services, however, in the present case, the certificate produced by the petitioner has been signed by two officials i.e., the Block Medical Officer and the District Health Officer. Since, the same is in violation of one of the conditions prescribed in the notification, the request for awarding incentive marks cannot be acceded to. Accordingly, he prayed for dismissal of the Writ Petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. It is not in dispute that the petitioner had participated in the selection process pursuant to the recruitment notification dated 27.10.2025 to the post of Health Inspector Grade -II in Tamil Nadu Public Health subordinate Service. It is equally undisputed fact that the petitioner had secured 70 marks in the written examination and had produced the COVID – 19 duty certificate duly signed by



the Block Medical Officer and the District Health Officer. The main grievance of the petitioner is that he was not granted any incentive mark for the service rendered during the COVID - 19 period in terms of G.O.(Ms).No.299, Health and Family Welfare (L1) Department dated 12.09.2023 despite his eligibility under the notification and certificate verification.

7. Before advertng to the facts of the case, for better appreciation, this Court deems it fit to extract the relevant clauses of the G.O(Ms).No.299, Health and Family Welfare (L1) Department dated 12.09.2023 and the notification dated 27.10.2025 as under:-

“5. The director of Public Health and Preventive Medicine has further stated that the above marks may be awarded to the individuals concerned as a One Time measure only subject to the following conditions:-

I. The individual should have worked in Urban/rural/local body run Covid care centre/Covid Health centre etc/ Medical Colleges/ Government hospitals/ Primary Health Centres/Health Sub Centres.

II. The individuals should produce experience certificate/duty certificate as per the format annexed to this order, issued by the Deputy Director of Health Services/concerned Officers duly indicating the period they have worked in that institution.

III. The incentive marks given above are applicable to all the eligible candidates as a one-time measure only.



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IV. The incentive marks will be eligible to only one recruitment which is being done after the COVID-19 Pandemic Situation.

V. This incentive marks are not eligible to the candidates for successive recruitments.”

7-B) COVID DUTY – Incentive Marks:

Government in their G.O(Ms).No.299 Health and Family Welfare (CI) Department, Dated : 12.09.2023 and G.O.(Ms).No.382 Health and Family Welfare (LI) Department, Dated : 08.12.2023 issued orders for awarding incentive marks to Health Inspector Grade II, who have rendered their services during covid-19 crisis in the Government Medical Institutions and otherwise qualified in the Tamil Eligibility Test in addition to the marks obtained by them in the examination conducted by Medical Services Recruitment Board for the post of Health Inspector Grade II and the incentive marks will be awarded as detailed below:

S.No	Criteria	Marks to be given
1.	<i>For those who have worked in Government Institution during COVID-19 Pandemic for a period of minimum of six months to one year continuously (6 to 12 months) (Without Breaking in Service)</i>	<i>Two marks</i>
2.	<i>For those who have worked in Government Institution during COVID-19 Pandemic for a period of above one year to one and half years continuously (12+ months to 18 months) (Without Breaking in Service)</i>	<i>Three marks</i>



3.	<i>For those who have worked in Government Institution during COVID-19 Pandemic for a period of above one year and half years to two years continuously (18+ months to 24 months) (Without Breaking in Service)</i>	<i>Four marks</i>
4.	<i>For those who have marked in Government Institution during COVID-19 Pandemic for a period of above two years continuously (above 24 months) (Without Breaking in Service) `</i>	<i>Five marks</i>

Government in their G.O(Ms).No.299 Health and Family Welfare (L1) Department, Dated: 12.09.2023 and G.O.(Ms).No.382 Health and Family Welfare (L1) Department, Dated: 08.12.2023 issued orders for awarding incentive marks to the Health Inspector Grade-II, The following conditions has to be satisfied by the Health Inspector Grade-II to claim the above incentive marks.

a) The Incentive marks shall be awarded only to the candidates who have successfully applied for the post of Health Inspector Grade-II as per the Notification (No.16/MRB/2025 Dated: 27.10.2025) possessing the prescribed educational qualification as para 6(B) of the Notification.

b) the Incentive marks are awarded to the candidates as a one time measure and not eligible to the candidates for successive recruitments.

c) The incentive marks will be eligible to only on e recruitment which is being done after covid – 19 Pandemic situation.

d) The above incentive marks shall be based on the Covid Duty Certificate (Annexure 10) furnished by the candidates and the same has to be uploaded in the online portal alone on or before



16.11.2025 and to be submitted in original during certificate Verification.

e) The candidates should have worked in Urban/ Rural/ Local Body/local body run Covid Care centre/ Covid health centre etc.,/Medical Colleges/ Government Institutions (Hospitals, Primary Health Centres/ Health sub Centre during COVID PANDEMIC period.*

f) The Covid Duty Certificate (Annexure 10) shall be issued by the concerned authorities to the candidates based on the attendance in the Government Medical Institutions.

g) The details of authorities for issuing “Covid Duty Certificate” are as follows:

<i>Covid Duty Certificate issuing Authorities</i>		
<i>Institutions</i>	<i>*Signature</i>	<i>**Counter Signature</i>
<i>Government Hospital College Hospitals</i>	<i>HOD/RMO</i>	<i>Dean</i>
<i>Government District Head quarters Hospitals</i>	<i>Hospital Superintendent</i>	<i>Joint Director of Health Services</i>
<i>Taluk/Non-Taluk Hospitals</i>	<i>Chief Medical Officer</i>	<i>Joint Director of Health Services</i>
<i>Primary Health Centres</i>	<i>Block Medical Officer</i>	<i>Deputy Director of Health Services</i>
<i>Greater Chennai Corporation Hospitals</i>	<i>Zonal Health Officer/ Zonal Medical officer</i>	<i>City Health Officer/City Medical Officers</i>
<i>Other Corporation/ Municipality Hospitals</i>	<i>City Health Officer/ Municipal Health Officer</i>	<i>Deputy Director of Health Services.</i>



8. As per the above notification, the individuals are required to produce an experience certificate or duty certificate, as prescribed in the notification, issued by the Deputy Director of Health Services or the concerned officer during the period in which, they have worked in the institution. The notification further stipulates that COVID -19 duty certificate issued by the concerned institution shall be duly counter signed by the competent authorities.

9. In the present case, it is not disputed by the respondents that the petitioner had not rendered duty during the COVID-19 period. The respondents have also not countered the certificate produced by the petitioner stating that it is either fabricated or false. The only ground on which the respondents seeks to invalidate the certificate is that it has not been signed by the appropriate authority. As per one of the conditions stipulated under clause 7-B regarding the ground of incentive marks relates to the fact that candidates should have worked in prescribed Government Institutions during COVID Pandemic period. The further mandate is that the said certificate should be issued by the concerned authorities and the concerned authorities for issuing the said certificate have also been prescribed.



10. It is to be pointed that the authorities who have been prescribed to issue the certificates are only for the purpose of establishing the veracity of the certificate and to weed out the fabricated certificates. Merely because another authority has issued the certificate would not in Toto invalidate the said certificate issued; rather at best the value of the certificate may come down but definitely not the authenticity of the said certificate. The authority prescribed issuing the said certificate is only for the purpose of validating the genuinity of the said certificate and not for other reasons. When it is not the case of the respondents that the certificate issued is fabricated or that the petitioner has not rendered the necessary COVID duty for grant of incentive marks merely because the authority subordinate to the Deputy Director of Health Services has counter signed the certificate alone cannot make the certificate invalid.

11. True it is that, what is contemplated in the G.O needs to be followed. Nevertheless, this Court cannot brush aside the fact that during the very great situation the petitioner has served the public and necessary, the said certificates should require its weightage. In spite of the subordinate authority counter signing the said certificate and the said certificate being otherwise in consonance with Clause 7 of the said G.O, this Court exercising its power under Article 226 of the Constitution of India permits the said certificate to be accepted for the purpose of grant of incentive marks.



12. Hence, there shall be a direction to the respondents to award incentive marks to the petitioner for the COVID - 19 service period in terms of clause 7-B of the notification dated 27.10.2025 within a period of two (2) weeks from the date of receipt of a copy of this order. Consequently, the petitioner's candidature shall be considered to the post of Health Inspector Grade-II, if he is otherwise eligible.

13. The Writ Petition stands allowed in the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

NHS



To

1. Directorate of Public Health
No.359, Anna Salai, DMS Complex,
Teynampet, Chennai-600006.

2. Member Secretary
Medical Services Recruitment board,
7th Floor, DMS Building, 359, Anna Salai,
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M.DHANDAPANI, J.

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