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WP No. 7055 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 7055 of 2016

R.Vanitha

..Petitioner(s)

Vs

1. The District Collector,
Dharmapuri, Dharmapuri District-636 705.
2. The Joint Director,
Medical and Rural Health Services,
Kuppur, Dharmapuri District-636 701.
3. Chief Medical Officer,
Government Hospital,
Harur, Dharmapuri District-636 352.
4. Medical Officer(IC),
Government Hospital, Harur,
Dharmapuri District-636 352.
5. P.Rajeshwari
6. The Project Director,
Tamil Nadu Aids Control Service,
Chennai-600 008.
(R6-impleaded as per order
dated 06.02.2018 passed by SPIJ In
WMP.No.2274/2018 in WP.7055/2016)

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India, to call for the entire records relating to the impugned order in Na.Ka.No. 837/Ni/2015, dated 18/09/2015, issued by the second respondent in favour of the fifth respondent and to quash the same and consequently, direct the second



respondent to appoint the petitioner in the Pharmacist Post within a time frame to be fixed by this Court.

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For Petitioner(s): Ms.A.Nethra for Mr.K.Gandhi Kumar

For Respondent(s): Mr.K.Tippu Sulthan, GA for R1 to R4
Mr.K.Kanagendran for R5
Ms.C.N.G.Niraimathi,
Standing Counsel for R6

ORDER

This Writ Petition has been filed seeking to quash the impugned order of the second respondent dated 18.09.2015 made in Na.Ka.No. 837/Ni/2015 in favour of the fifth respondent and consequently, to direct the second respondent to appoint the petitioner in the post of Pharmacist, within a time frame to be fixed by this Court.

2. The learned counsel for the petitioner submitted that pursuant to the notification issued by the Tamil Nadu State AIDS Control Society through publication in Dinathanthi Newspaper on 27.02.2015, the petitioner herein applied for the post of Pharmacist on 06.03.2015. By virtue of interview letter issued to her by the 4th respondent, she appeared for the written examination, which was conducted on 05.09.2015. Where, the petitioner secured 40 marks, which is the highest mark among all and thereafter, attended the oral interview. Thereupon, no further communication was issued to her. To the shock of the



petitioner, the 5th respondent, who secured only 32 marks and who does not fall under the PLHIV category, was appointed vide ந.க.எண்.837/நி/2015 dated 18.09.2015. The appointment was made by the second respondent without proper verification of records and in violation of Ref.Note.6429/AIDS/ART/C1/TANSACS/2013 dated 25.02.2014. She further submitted that the petitioner is a person living with HIV(PLHIV) and is entitled to be given preference as per the prescribed guidelines. However, such preference was not extended to her. Hence, the impugned appointment dated 18.09.2015 is arbitrary, illegal and contrary to the guidelines and therefore, liable to be set aside.

3. Mr.Tippu Sultan, the learned Government Advocate appearing for the respondents 1 to 4 submitted that for the post of counsellor, a Master's Degree in Social Work (preferably with specialization in Medical and Psychiatric Social Work) is prescribed. In the absence of such qualification, a candidate holding a degree in Sociology may be considered. Preference would be given to a qualified and competent PLHIV candidate, if available, at the time of appointment. For the post of pharmacist, the candidate must possess a Degree in Pharmacy from a recognized institution. In the absence of a degree holder, a Diploma holder in pharmacy with three years' experience in a health institution may be considered. The candidate must also be registered with the concerned State Pharmacy Council. Therefore, the claim of the petitioner seeking



preference for appointment to the post of pharmacist on the ground that she is an HIV patient is unsustainable. Apart from this, the learned Government Advocate pointed out that the petitioner's husband acted as the Examination Supervisor in the hall where the petitioner attended her written examination and a photograph was produced in support of the same. Hence, there exists a possibility that the petitioner might have secured 40 out of 40 marks with his assistance. As per the official records, the 5th respondent secured 32 marks in the written examination and 16 marks in the oral interview and was consequently, appointed to the post of pharmacist.

4. This Court has carefully considered the rival submissions and perused the materials placed on record.

5. It is clear that the petitioner secured 40 marks in the written examination, but, she obtained only 6 marks in the oral interview. However, the final selection was based on the total performance in both the written test and the interview. The petitioner argued that she should have been given preference as a person living with HIV. However, the marks obtained in the interview is also important for the process of selection. Hence, this Court found that such preference cannot override the overall merit in the selection process. Also, this Court further notes that the guidelines regarding preference to a qualified and competent candidate with PLHIV can apply only to the post of counsellor and



not to the post of pharmacist. Therefore, the petitioner cannot claim preference for appointment to the post of pharmacist on that ground. Further, the records show that the 5th respondent secured 32 marks in the written examination and 16 marks in the interview and was selected based on better overall performance. The petitioner has not proved that the appointment was illegal or against the rules. Therefore, this Court finds no valid reason to interfere with the selection.

6. In view of the above findings, this Court does not find any merit in the writ petition. The impugned appointment vide ந.க.எண்.837/நி/2015, dated 18.09.2015 does not warrant interference.

7. Accordingly, this Writ Petition stands dismissed. No costs.

02-03-2026

Neutral Citation: Yes/No
VKR

To

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N.SENTHILKUMAR, J.

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