

WP(MD). No.22209 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**WP (MD). Nos.22209, 22228 and 22236 of 2025
WMP(MD) Nos.17296,17298, 17343, 17345, 17340 and 17341**

Saranya

... Petitioner in
WP(MD) No.22209/2025

P.Muthupandiyammal

... Petitioner in
WP(MD) No.222289/2025

Arockiammal

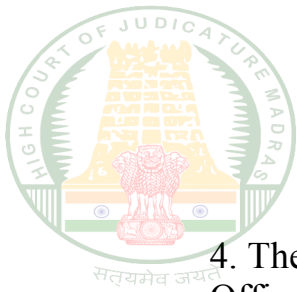
... Petitioner in
WP(MD) No.22236/2025

Vs

1. The Secretary,
Department of Health and Family Welfare,
The Government of Tamil Nadu,
Secretariat, Fort St George,
Chennai..

2. The Member Secretary,
Medical Services Recruitment Board,
7th Floor, Dms Building,
359, Anna Salai, Teynampet,
Chennai 600 006..

3. The Director of Medical Education and Research,
Office of the Director of Medical Education and Research,
E.V.R Road, Kilpauk, Chennai..



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4. The Director of Medical Services and Rural Health,
Office of the Director of Medical Services and Rural Health,
Dms Complex, No. 359-361, Anna Salai,
Chennai 600 006..

... Respondents

COMMON PRAYER :-Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writs of Certiorarified Mandamus calling for the entire records connected with the notification in Notification No. 11/MRB/2025 dt. 10.07.2025 issued by the second respondent and quash the same consequently directing the respondents to conduct competitive examination to select and appoint Laboratory Technician Grade II in Tamil Nadu Medical Subordinate Services.

For Petitioners : Mr.S.Malaikani

For Respondents : Mr.M.Siddharthan for R1,R3 and R4
Additional Government Pleader

Mr.V.Ramesh for R2

COMMON ORDER

By consent of both sides, the writ petition themselves are taken up for final disposal at the stage of admission itself.

2. Since the issue involved in these writ petitions is one and the same, they were taken together, heard and disposed of by this common order.



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3. These writ petitions have been filed challenging the notification in Notification No.11/MRB/2025 dated 10.07.2025 of the second respondent and consequently to direct the respondents to conduct competitive examination to select and appoint Laboratory Technician Grade II in Tamil Nadu Medical Subordinate Services.

4. The petitioners herein are qualified Laboratory technicians. A notification was published for in the official web-site of the respondent for the recruitment to the post of Laboratory Technical Grade II in the Tamil Nadu Medical Subordinate Service for the total vacancies of 60 and the last date for submission of application through online was 30.07.2025. The petitioners being qualified for the said post, applied for the same and they were unsuccessful. They are aggrieved by the notification issued by the respondent Board. The notification is challenged on the ground that written examination/competitive examination is not conducted for the purpose of selecting the candidates, whereas, they are selected, according to the weightage of marks, provided for Diploma, HSC/PUC and SSLC/10th respectively. Though the petitioners secured marks, however, since weightage marks were



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given for the academic stream, they were aggrieved by the grant of weightage marks. On the said ground, they are before this Court with these writ petitions.

5. The learned counsel for the petitioners would submit that without conducting any written/oral test or without any competitive examinations, the selection was made, which is contrary to Articles 320, 14 and 16 of the Constitution of India. On the sole ground, the learned counsel prays for interference.

6. On the other hand, the learned Additional Government Pleader for the respondents 1, 3 and 4 would submit that in terms of Articles 320, 14 and 16 of the Constitution of India, the present notification was issued and further when the very same selection process was questioned before the Division Bench of this Court in WA(MD) No.1027/2013, a Division Bench of this Court vide judgment dated 09.06.2013 issued a direction to the State Government to create a procedure for recruitment and pursuant to which the State Government passed G.O.Ms.No.401 dated 16.12.2014. On the basis of the G.O., thus passed, pursuant to the judgment in the



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writ appeal (supra), as per clause (iii)(3) for direct recruitment to the post of para medical and technical staff through selection process, the present notification was issued and selection would be made by giving weightage marks including the marks obtained in academic stream, ie., Degree, Diploma, HSC and SSLC.

7. I have considered the rival submissions and perused the materials available on record.

8. It is seen that a notification dated 10.07.2025 was issued for selection to the post of Laboratory Technicians. The petitioners are aggrieved by the selection process on the ground that without conducting any written examination or interview, based on the weightage marks to be provided for Diploma, HSC/PUC and SSLC/10th respectively, the selection was made. As rightly submitted, pursuant to the judgment in WA No.1097/2013, G.O.Ms.No.401 dated 16.12.2014 was issued.

9. For the sake of clarity, the relevant portion of the said G.O.Ms.No.401 is extracted hereunder:



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“3. The Government have examined in detail the proposal of the Chairman, Medical Services Recruitment Board (MRB) to amend the Rules of Procedure of the Medical Services Recruitment Board, 2013 and has decided to accept it. Accordingly the following amendments are issued to the said Rules:-

AMENDMENTS

In the said Rules,- (1) for rule 3, the following rule shall be substituted, namely:

*3. Method of Recruitment-

The Medical Services Recruitment Board shall adopt the following methods of recruitment, namely:-

(A) Recruitment by open advertisement-

(1) All Direct recruitment posts in Assistant Surgeon (General), Assistant Surgeon (Dental General/Speciality) and Nurses shall be made, through open advertisement (in at least two newspapers and one of which must be in vernacular language), by conducting written examination (through physical or electronic mode) duly following the procedures prescribed

(ii) All direct recruitments to the post of Assistant Surgeon in various speciality Departments in Tamil Nadu Medical service shall be made through a walk-in' selection through aperi advertisement (in at least two newspapers and one of which must be in vernacular language), based on the marks obtained by the candidates in their Post Graduate Speciality subject. For the post of Assistant Surgeon (Speciality) a person in possession of Post graduate degree shall be preferred over DNB and DNB over a Post Graduate Diploma duly following the procedures prescribed.

(iii) Para Medical & Technical Staff with following educational qualifications, namely:

All direct recruitments to the post of Paramedical and technical staff shall be done through a selection process based on open advertisement (in at least two newspapers and one of which must be in vernacular language), along with notifying the vacancies with the Employment. Exchange. After obtaining eligible list sponsored by the Employment Exchange, open advertisement in at least two newspapers, (one of which must be in vernacular language) be published inviting application. The list of candidates sponsored by the Employment Exchange be intimated to apply for the concerned post, as per the advertisement, to the Medical Services Recruitment Board. The process of selection shall be based on the marks obtained by the candidates in various



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examinations by giving weightages to their academic performance (up to two decimals in percentage) as detailed below:-

Minimum educational qualification required for the post	Weightage of marks		
	Degree/Diploma /Certificate	HSC/PU C	SSLC/10 th
a.Degree	50%	30%	20%
b.Diploma	50%	30%	20%
c.Certificate with PUC/HSC qualification	50%	30%	20%
d.Certificate with SSLC	60%	NA	40%
e.Minimum General Educational Qualification (SSLC Pass)	NA	NA	100%

(a) Wherever the basic essential qualification for a technical post is a diploma/certificate to marks obtained in SSLC and the technical diploma/certificate (instead of HSC and has been changed from SSLC to HSC, in all such cases the weightage may be restricted the technical diploma/certificate).

(b) in cases of lesser number of vacancies for a particular post, and in cases where the notified vacancies are pertaining only to one or few districts only, the notified vacancies may be sent to the District Employment Exchanges concerned instead of the State level Employment Exchange

(c) In cases where recruitment is to be done on an urgent basis, Government may specifically direct the Medical Services Recruitment Board to conduct recruitment by only way of open advertisement (in at least two newspapers, one of which must be in



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vernacular language).”

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From the above, it is clear that as per clause 3(iii) of the G.O.Ms.No.401, the present impugned notification has been issued.

10. It is also well settled that once the petitioners participated in the selection process, they cannot challenge the notification. The said ratio had been rightly held in ***Ashok Kumar and Ors. Vs. State of Bihar and Ors. [MANU/SC/1353/2016]***. In the said decision, in para-11, it has been held thus:

“11. The Appellants participated in the fresh process of selection. If the Appellants were aggrieved by the decision to hold a fresh process, they did not espouse their remedy. Instead, they participated in the fresh process of selection and it was only upon being unsuccessful that they challenged the result in the writ petition. This was clearly not open to the Appellants. The principle of estoppel would operate.”

11. From the said decision, it is clear that once the petitioners participated in the selection process, they cannot challenge the entire notification, however, they can only challenge their non selection and the



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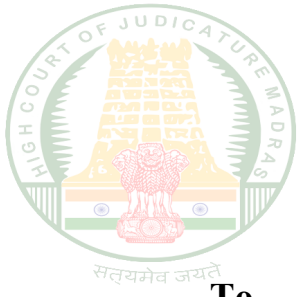
result. Here in the case on hand, it is not in dispute that the petitioners have participated in the selection process, however, they were unsuccessful. Hence, there is no ground made out to interfere with the said notification and stall the selection process. The petitioners have not made out any case to substantiate their case by putting forth relevant materials, which would affect their selection.

12. Accordingly, the writ petitions fail and the same are dismissed.

No costs. Consequently connected Miscellaneous Petitions are closed.

14.08.2025

NCC : Yes/No
Index : Yes/No
RR



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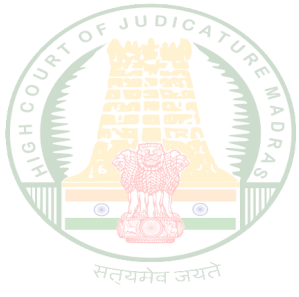
To

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M.DHANDAPANI,J

RR

**ORDER
IN
WP(MD) Nos.22209, 22228 and 22236 of 2025**

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