

W.P.No.28745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 28.03.2025

CORAM

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.28745 of 2023  
and  
W.M.P.No.28319 of 2023

Mr.Navin Kumar

... Petitioner

Vs.

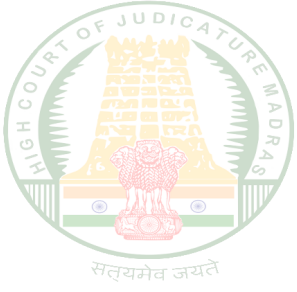
The Medical Services Recruitment Board (MRB)  
Rep. by its Chairman  
7<sup>th</sup> Floor, DMS Building,  
359, Anna Salai, Teynampet,  
Chennai – 600 006.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to alter the impugned notification No.10/MRB/2022 dated 10.08.2022 to include the vacancies for person studied in Tamil Medium and consider the petitioner under person studied in Tamil Medium (PSTM) category.

For Petitioner : Mr.S.K.D.Rajasekar

For Respondent : Mr.L.Murugavelu  
Standing Counsel



W.P.No.28745 of 2023

**ORDER**

WEB COPY

This Writ Petition has been filed seeking a direction to the respondent to alter the impugned Notification No.10/MRB/2022 dated 10.08.2022 to include the vacancies for person studied in Tamil Medium and to consider the petitioner under person studied in Tamil Medium (PSTM) category.

2. The petitioner is a Pharmacist. He registered himself as Pharmacist in the Tamil Nadu Pharmacy Council on 17.12.2020. The respondent has issued a notification on 10.08.2022 vide Notification No.10/MRB/2022 for recruitment of Pharmacist in Tamil Nadu Medical Subordinate Services. The petitioner has applied for the said recruitment and appeared for the written examination and also passed the Tamil Eligibility Test. However, he was not called for the next level of interview. Hence, the present writ petition has been filed.

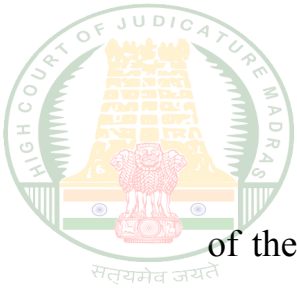
3. The learned counsel for the petitioner would submit that, the eligibility criteria stipulated for the recruitment of Pharmacist is Diploma in Pharmacy or Bachelor Degree in Pharmacy or Pharm.D. The petitioner



W.P.No.28745 of 2023

has completed B.Pharm, which was taught in English Language, but he studied upto Higher Secondary in Tamil Medium. Hence, he ought to have been considered under the category of person studied in Tamil Medium (PSTM) for further process of recruitment to the post of Pharmacist. He would further submit that, in Page Nos.15 and 16 i.e. Annexure-2 of the impugned notification, it was stated that, 20% of the notified vacancies shall be set apart on preferential basis to persons studied in Tamil Medium as per the eligible conditions ordered in Section 2 of Tamil Nadu Act 40 of 2010, but the respondent has failed to stipulate the vacancies for Person Studied in Tamil Medium Category, which is a major error and it caused dilemma amongst the candidates.

4. The Learned Standing Counsel appearing for the respondent would submit that, the petitioner himself in the affidavit has stated that, either of the courses namely Diploma in Pharmacy or Bachelor Degree in Pharmacy or Pharm.D prescribed in the Special Rules for the post of Pharmacist and published in the notification are not taught in Tamil. Therefore, the eligibility conditions prescribed under Section 2(d) (iii) and (iv) for claiming 20% PSTM reservation has not been met out by any



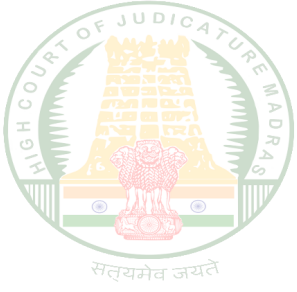
W.P.No.28745 of 2023

of the candidates, hence as per the provisions in Section 6 of the Tamil Nadu Act 40 of 2010, the vacancies earmarked for 20% reservation for persons studied through Tamil Medium will be filled by the Board.

Section 6 of the Tamil Nadu Act 40 of 2010 states as follows:

*“6. Notwithstanding anything contained in section 3, where adequate number of qualified and suitable persons studied in Tamil medium are not available for appointment in the preferential vacancies, such unfilled vacancies shall be filled up with persons studied in other mediums within the respective category.”*

5. The Learned Standing Counsel would submit that, the prayer of the petitioner to consider the candidates those who have studied in Tamil Medium upto Higher Secondary is not feasible for consideration by Board as per the above provisions. Further, the Board being the recruiting agency is bound to strictly adhere to the provisions of the act or rules prescribed by the competent authority and is not empowered to relax any portion as prayed for by the petitioner. Therefore, the Board has proceeded with the selection process as per the procedures published in the notification and the candidates were called for certificate verification based on the merit and communal rotation.



W.P.No.28745 of 2023

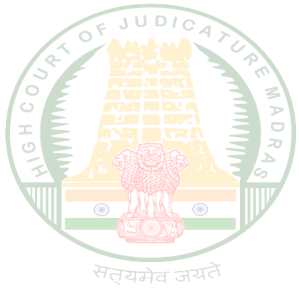
WEB COPY 6. Heard the Learned counsel for the petitioner and Learned Standing Counsel appearing for the respondent, and perused the materials available on record.

7. It is an admitted fact that, the petitioner has acquired a Bachelor of Pharmacy degree in the English Medium. As per the impugned notification, the persons who have acquired degree in Tamil Medium will alone be considered for employment to the post of Pharmacist. Since the petitioner has acquired degree in English Medium, he was not called for the further process of recruitment to the above said post. Thus, this Writ Petition is devoid of merits and it is liable to be dismissed.

8. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

28.03.2025

raja  
Index : yes/no  
Internet : yes/no



WEB COPY



W.P.No.28745 of 2023

**V.BHAVANI SUBBAROYAN, J.**

raja

To

The Chairman,  
Medical Services Recruitment Board (MRB)  
7<sup>th</sup> Floor, DMS Building,  
359, Anna Salai, Teynampet,  
Chennai – 600 006.

**W.P.No.28745 of 2023**

28.03.2025