IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.6269 of 2025
and W.M.P.Nos.6889 & 6892 of 2025

Dr.V.Sharmila .. Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai – 600 009.

2.The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk,
Chennai – 600 010.

3.The Medical Services Recruitment Board,
Rep. by its Member Secretary,
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai – 600 006. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to include the petitioner's name in the rank list published on 06.02.2025 and call upon the petitioner for certificate verification and appoint her as Assistant Surgeon in the appropriate place within the time stipulated by this Court.

For Petitioner .. Mr.R.Murali

For R1 .. Mr.M.Bindran,
Additional Government Pleader.

For R3 .. Mr.J.Ravindran, AAG,
Assisted by Mr.L.Murugavelu

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to include the name of the petitioner in the rank list published on 06.02.2025 for the post of Assistant Surgeon (General) and appoint her to the said post.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had completed her M.B.B.S graduation in the year 2019 and was also registered before the Medical Council on 22.03.2019 as a registered Medical Practitioner. She also served as House Surgeon for more than one year. She belongs to Backward Community. Pursuant to a notification issued by the 3rd respondent on 15.03.2024 calling for applications for the post of Assistant Surgeon (General), the petitioner had

applied for the said post. Her application was also scrutinized and accepted by the 3rd respondent. She was also given an admit card to write the examination. She also wrote the examination on 05.01.2025. It is stated that the respondents had published the answer sheet on the web portal between 08.01.2025 and 10.01.2025. However, the petitioner could not avail the said published answer sheet. Subsequently, they had also put up the key answers. The petitioner claims that she should have secured 64 marks out of 100. Thereafter, the petitioner also downloaded her marks and claims that she obtained 59 marks in the main examination and 21 marks in the Tamil Eligibility Test. She claimed that she had crossed the eligibility cut off mark for Backward Community (General) category, which was fixed 55 marks.

3.Thereafter, the petitioner stated that when the actual marks were published of all the candidates, it was found that she had obtained only 49 marks and not 59 marks. Complaining that there has been an error in the procedure adopted by the respondents, the present writ petition has been filed claiming a right to be appointed to the post of Assistant Surgeon (General) on the basis of the marks obtained by her.

4.This Court, in order to determine the correctness of the claim made by the petitioner, had called upon the respondents to produce the marks obtained by the petitioner as published in their web portal. A copy of the same had been produced, which has also been countersigned by the officials of the respondents, and it is seen that the petitioner had obtained 49 marks. But however, the learned counsel for the petitioner had insisted that the petitioner had obtained 59 marks.

5.In order to ensure that the entire exercise is transparent, the learned Additional Advocate General came forward to produce the entire answer sheet of the petitioner herein. The answer sheet was opened, in the Court, in the presence of the learned counsel for the petitioner. The learned counsel was also called upon to be present near the dias and the Court Officer verified the marks given in each page of the answer sheet. Thereafter, a total was made of the actual marks obtained by the petitioner. The entire procedure was done in the presence of the learned counsel for the petitioner. The petitioner was also physically present in the Court. The page wise marks were then totalled up and it was found that the petitioner had obtained 70 marks totally, which included 21 marks for Tamil Eligibility

Test and 49 marks for the main examination. This had been verified from the original answer sheet of the petitioner and the original answers given by the petitioner to the questions during the main examination. Thus, the claim of the petitioner that she had obtained 59 marks is not correct.

6.Let me not enter into any discussion, as to how the petitioner had claimed that she had obtained 59 marks when the answer sheets produced by the respondents very clearly reveal that the petitioner had obtained only 49 marks. The entire issue had been examined in the open Court in the presence of the petitioner who was also present in Court and in the direct and immediate presence of the learned counsel for the petitioner who was called upon to be present near the dias and who verified the page wise marks obtained by the petitioner and also the total marks obtained by the petitioner. The total marks obtained by the petitioner in the main examination was 49. The marks obtained in the Tamil Eligibility Test was 21. The marks obtained by her namely, 49 is less than the cut off mark for Backward Community (General) category. Therefore, the relief sought by the petitioner in the writ petition cannot be granted by this Court.

7.Accordingly, this Writ Petition stands dismissed, as the petitioner had not obtained the eligible cut off mark for Backward Community (General) category. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

04.03.2025

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Index:Yes/No
Internet:Yes/No

To

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C.V.KARTHIKEYAN,J.

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