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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2025

CORAM

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

W.P.No.644 of 2024
and W.M.P.Nos.659 & 660 of 2024

1.Dr.J.Sophia
2.Dr.B.Venkatesh
3.Dr.Sivanesan
4.Dr.Djineshkumar

.. Petitioners

Vs.

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

2.The Director
Directorate of Medical Education,
Poonamallee High Road,
Chennai – 600 010.

3.The Director of Public Health and
Preventive Medicines,
DMS Campus,
Teynampet, Chennai – 600 006.

4.The Director of Medical & Rural
Health Services,
DMS Campus, Teynampet,
Chennai – 600 006.



5.The Chairman
Medical Services Recruitment Board (MRB),
7th Floor, DMS Buildings,
358, 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, forbearing the respondent authorities from commencing or continuing the recruitment process for the post of Assistant Surgeons as per the notification dated 06.01.2024 published in the late evening of 06.01.2024 and the consequential corrigendum notification dated 06.01.2024 reserving 167 vacancies for persons studied in Tamil Medium PSTM candidates which is contrary to the Notification dated 07.10.2023 published by the 5th respondent and consequently direct the respondent authorities to publish the breakup of marks obtained by the candidates viz., (a) marks obtained in the main examination (b) marks awarded under G.O.Ms.No. 278 dated 17.08.2023 (c) and normalization marks and thereafter grant sufficient time for the petitioners to verify the key answers and marks granted to them and thereafter, proceed with the recruitment process in a transparent manner in accordance with the merit seniority and fill up the vacancies of Asst. Surgeons including 1021 vacancies declared under the Notification dated 11.10.2022 as well as the now existing additional marks on merit.

For Petitioners .. Mr.S.Thanka Sivan

For R1 to R4 .. Mr.E.Sundaram, Govt. Advocate



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ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking restraint against the respondents from commencing or continuing the recruitment process for the post of Assistant Surgeon consequent to the Notification dated 06.01.2024 and corrigendum notification dated 06.01.2024 reserving 167 vacancies for persons who studied in Tamil Medium / PSTM candidates which according to the petitioners is contrary to the notification dated 07.10.2023 published by the 5th respondent. The petitioner seeks that the respondents must publish the break up of marks obtained by the candidates.

2.In the affidavit filed in support of the writ petition, it had been contended that the 5th respondent by notification dated 11.10.2022 held examination for filling up of 1024 vacancies. The examination was held on 25.04.2023. It had been contended that the petitioner secured considerable marks. The results were published on 06.01.2024. It had been stated that however, the results was not transparent and break up details had not been given. It had been stated that a corrigendum was also issued that 167 posts

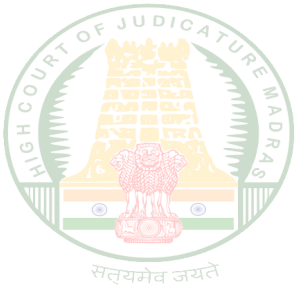


had been reserved for persons who had studied in Tamil Medium / PSTM

quota. Questioning this, the writ petition has not been filed in the nature of Certiorari to quash the said notification or the corrigendum, but rather in the nature of a Mandamus seeking a restraint against the respondents from continuing with the section process.

3.Unfortunately for the petitioners the selection process had continued and had stood completed.

4.In the counter affidavit, it had been stated that the petitioners had not come within the zone of consideration. The 1st petitioner had obtained 66 marks and the 2nd petitioner had obtained 69 marks. The 3rd petitioner had obtained 69 marks and the 4th petitioner had obtained 69 marks, whereas, the last candidate in Backward Class to which all the petitioners belong, Dr.S.Mohanraj obtained 70 marks. Therefore, the petitioners can never bridge the gap between the marks they had obtained and the marks obtained by the last selected candidate.



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5.The Writ Petition has also not been filed in the nature of Certiorari seeking records or to quash the notification or corrigendum issued by the respondents. The respondents have completed their selection process. It had been further stated in the counter affidavit that as per procedure, the results had been published based on merit and communal rotation on 01.02.2024, nearly more than a year back.

6.In view of that particular fact, since valuable right had accrued to those who had been selected and they had also not been impleaded as parties in the writ petition and further since the writ petition has not called in question the selection list and the writ petition had been filed only in the nature of a Mandamus, I am not prepared to issue any Mandamus or a direction restraining the respondents in any manner whatsoever. The selection process had been completed in January 2024. This Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

04.04.2025

Index: Yes/No
Internet: Yes/No
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To,

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C.V.KARTHIKEYAN,J.

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