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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

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

W.P.No.6485 of 2025
and W.M.P.No.7134 of 2025

Dr.Madurambigai A

.. Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its Principal Secretary
Health and Family Welfare Department
Secretariat, Chennai – 600 009.

2.Medical Services Recruitment Board

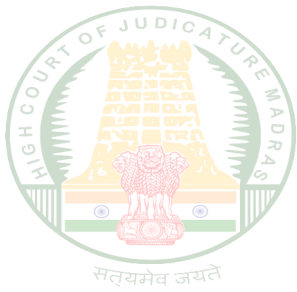
Represented by its Chairperson
7th Floor, DMS Buildings
358, Anna Salai, Teynampet,
Chennai – 600 006.

3.Directorate of Public Health and Preventive Medicine

Rep. by the Director of Public Health and Preventive Medicine,
359, Anna Salai, 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 2nd respondent to declare the answer to question number 9 in the Subject Paper for the recruitment to the post of Assistant Surgeon (General) as incorrect and consequently, award one (1) mark to the petitioner and call the petitioner for certificate verification for the post of Assistant Surgeon (General).



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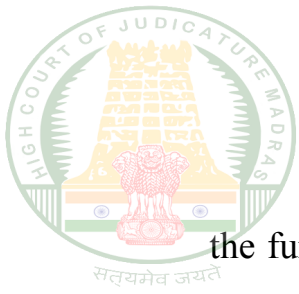


For Petitioner	.. Mr.Suhrith Parthasarathy
For R1 & R3	.. Mr.M.Bindran, Additional Government Pleader.
For R2	.. Mr.J.Ravindran, AAG Assisted by Mr.L.Murugavelu, Standing Counsel.

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the 2nd respondent to declare the answer to question number 9 in the subject paper for recruitment to the post of Assistant Surgeon (General) as in correct and grant one mark to the petitioner.

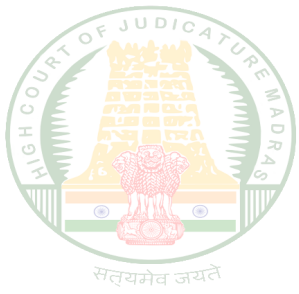
2.The learned Additional Advocate General had produced the reference materials on the basis of which, the Expert Committee had taken a decision that a particular option was the correct answer. This particular issue was contested by the learned counsel for the petitioner and options were given to both the petitioner and the respondents to file further affidavit. Both of them took up that opportunity and filed their affidavits. In



the further affidavit filed on behalf of the 2nd respondent, it had been stated as follows:

“16.It is respectfully submitted that the petitioner herein has secured 52.00 marks in the computer based test for the post of Assistant Surgeon (General) 2024 and was awarded 3 marks for Covid duty whereby her total marks is 55.00 marks and she belong to (BC) communal category with D.O.B 15.05.1997, whereas the last selected candidate in the Provisional Selection List belong to (BC) communal category has secured 58.00 marks and the cut off D.O.B is 30.06.1998 for BC(G) and 15.07.1998 for BC(W).

17.It is respectfully submitted that, even after considering 1 mark for the Question No.9, as claimed by the petitioner, she cannot be accommodated into the Provisional Selection List as she has not reached the Zone of Consideration.

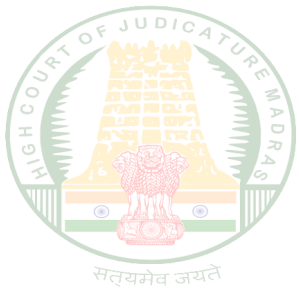


3.This fact had been put to the learned counsel for the petitioner. This fact cannot be either denied or disputed by the learned counsel. I must place on record my deep appreciation for the strenuous efforts taken by the learned counsel for the petitioner in projecting and advancing the case of the petitioner. But unfortunately, the petitioner fell just short of coming within the Zone of Consideration.

4.Be that as it may, the learned counsel for the petitioner still insisted that the Court should examine the correctness or otherwise of the option given by the Expert Committee and also examine the reference materials as provided by the learned counsel and still consider whether the claim of the petitioner could be addressed by this Court.

5.However, it must be pointed out that the Hon'ble Supreme Court had held as follows in the judgment reported in ***(2018) 7 SCC 254, Uttar Pradesh Public Service Commission through its Chairman and Another Vs. Rahul Singh and Another.***

“14. In the present case, we find that all the three questions needed a long process of reasoning and the High



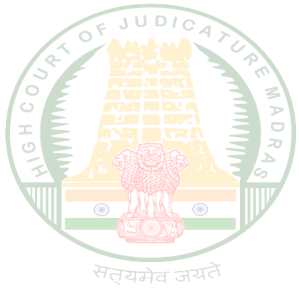
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Court itself has noticed that the stand of the Commission is also supported by certain textbooks. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.

15. In view of the above discussion, we are clearly of the view that the High Court overstepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field. As far as the objection of the appellant Rahul Singh is concerned, after going through the question on which he raised an objection, we ourselves are of the prima facie view that the answer given by the Commission is correct.

16. In view of the above discussion, we allow the appeal filed by the U.P. Public Service Commission and set aside the judgment [Rahul Singh v. State of U.P., 2018 SCC OnLine All 776] of the Allahabad High Court. The appeals filed by Rahul Singh and Jay Bux Singh and others are dismissed. All



pending applications stand disposed of.

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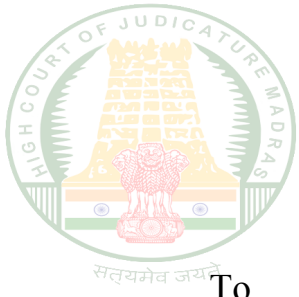
6. In view of the dictum laid above, without entering into any further detailed discussion, but wishing the petitioner all the very best in her future endeavours, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

07.03.2025

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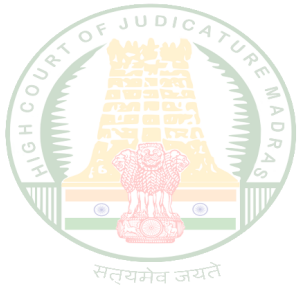
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Internet: Yes/No



To
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1. The Principal Secretary
Health and Family Welfare Department
Secretariat, Chennai – 600 009.
2. The Chairperson
Medical Services Recruitment Board
7th Floor, DMS Buildings
358, Anna Salai, Teynampet,
Chennai – 600 006.
3. The Director of Public Health and Preventive Medicine
Directorate of Public Health and Preventive Medicine,
359, Anna Salai, Chennai – 600 006.



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C.V.KARTHIKEYAN,J.

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