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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 8171 of 2025

And

W.M.P.No. 9152 of 2025

J.Noorul Shifa

... Petitioner

..Vs..

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Health and Family Welfare Department
Fort St.George, Secretariat
Chennai – 600 009.
 2. The Director of Public Health and Preventive Medicine
DMS Buildings
359, Anna Salai, Teynampet,
Chennai – 600 006.
 3. The Member Secretary
Medical Services Recruitment Board (MRB)
7th Floor, Anna Salai, Teynampet
Chennai – 600 006.
- ... Respondents



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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus to direct the respondents to consider the petitioner for selection and appointment to the post of Assistant Surgeon (General) under Backward Class Muslim (BCM) reserved category based on the marks secured in the selection conducted in pursuant to the Notification issued by the third respondent in No.01/MRB/2024 dated 15.03.2024, in consideration of representation submitted by the petitioner dated 25.02.2025.

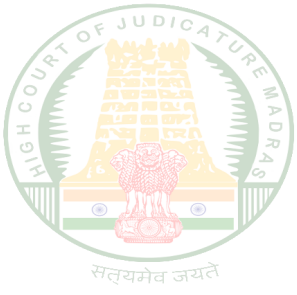
For Petitioner :: Mr. S.Nedunchezhiyan

For RR 1 & 2 :: Mr. E.Sundaram
Government Advocate

For 3rd Respondent :: Mr. L.Murugavelu

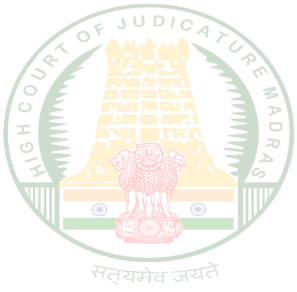
ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to select and appoint the petitioner to the post of Assistant Surgeon (General) under Backward Class Muslim reserved category based on the marks obtained by the petitioner.



WEB COPY 2. The petitioner had applied for the post of Assistant Surgeon (General) consequent to a notification issued by the third respondent on 15.03.2024. The petitioner was permitted to write the examination and had also written the examination. In the application form, the petitioner had given her classification as Backward Class. It is an admitted fact that she is Backward Class Muslim and Woman but in the appropriate column, she had mentioned only Backward Class. This placed her among the candidates, who had also similarly categorised themselves as Backward Class. She cannot move away from that particular category and be re-categorised as Backward Class Muslim though as a fact, she is a Muslim. The petitioner did not get the stipulated cut off mark to be selected under the category Backward Class.

3. The learned counsel for the petitioner stated that during certificate verification, she had given her certificates indicating that she belongs to Backward Class and is also a Muslim and is also a Woman. There cannot be any dispute over the said fact.



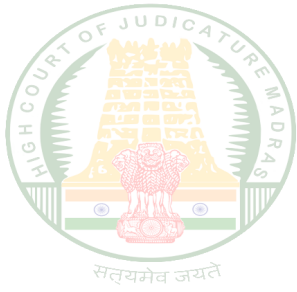
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4. If the respondents were to shift her from one category to another category at the time of certificate verification and if they do so for one candidate, they might be called upon to undertake a similar exercise for several other candidates. That would upset the entire selection process.

5. Many selected candidates who found themselves being ousted from the zone of selection and others, who had wrongly filled the application form or incorrectly filled the application form, would get a small window to give representations and this would not provide a level playing field so far as the recruitment process is concerned.

6. The learned counsel for the petitioner stated that no further grounds have been raised. It is unfortunate that the petitioner had failed to enter the correct details in the application form.

7. The Court wishes her well in her future endeavours as a Doctor. Being selected as Assistant Surgeon (General) is not the only way out for her. She can still discharge her duty and be of help to everybody concerned.



WEB COPY 8. The Writ Petition stands dismissed. Consequently, connected
Miscellaneous Petition stands closed. No order as to costs.

28.03.2025

vsg

Index: Yes/No

Internet: Yes/No

To

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C.V.KARTHIKEYAN, J.,

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