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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2012

CORAM:

THE HONOURABLE MR.M.Y.EQBAL, CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT APPEAL NO.2375 OF 2012

M.Vimal

.... Appellant

vs.

1.Medical Service Recruitment Board,
Rep. by its Secretary,
DMS Compound,
No.359, Anna Salai, Teynampet,
Chennai - 600 006.

2.The Director of Medical & Rural Health Services,
Teynampet, Chennai - 600 006.

3.The Employment Exchange,
Rep. by the Assistant Director,
Professional and Executive Employment Office,
Santhome, Chennai - 600 004.

4.Anu Priya Kaveri

5.Subashni

.... Respondents

Appeal filed under Clause 15 of the Letters Patent against the common order of this court passed in W.P.No.16724 of 2012, dated 05.09.2012. Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the order made in Ref.No.4/MRB/2012 dated 29.3.2012 passed by the 1st respondent and the consequential orders made in Ref.No.015/MRE/2012 dated 9.4.2012 and the order made in notification No.2/MRB/2012 dated 26.3.2012 issued by the 1st respondent so far it relates to the 4th respondent alone and quash the same and consequentially select and appoint the petitioner to the post of Physiotherapist Grade II under the category of inter caste marriage.

For Appellant

::: Mr. R.Abdul Mubeen

For Respondents

::: Mr.T.N.Rajagopalan AGP for RR1to3

bj 00141

J U D G M E N T

The Hon'ble The Chief Justice &
T.S.Sivagnanam, J

Heard Mr.R.Abdul Mubeen, learned counsel appearing for the appellant and Mr.T.N.Rajagopalan, learned Additional Government Pleader appearing for the respondents 1 to 3.

2. This appeal is directed against the judgment and order dated 05.09.2012, by which the writ petition filed by the appellant being W.P.No.16724 of 2012, was dismissed.

3. The writ petition was filed challenging an order passed by the first respondent, the Medical Service Recruitment Board, dated 29.03.2012, and consequential order dated 09.04.2012, and for a consequential direction to select and appoint the appellant to the post of Physiotherapist Grade-II under the priority category of "inter-caste marriage".

4. The appellant registered his name with the employment exchange on 04.09.2000. Subsequently, based on a certificate issued by the Tahsildar, dated 03.07.2006, stating that the appellant undergone "inter caste marriage", registered the same before the employment exchange on 29.01.2009, seeking benefit of priority category. The fourth respondent, who is also a candidate, who had undergone "inter-caste marriage" had registered the same before the employment exchange, by producing the necessary certificate. The names of the appellant as well as the fourth respondent were sponsored for being considered for appointment to the post of Physiotherapist. Both the appellant and the fourth respondent claimed priority in employment under the category of "inter-caste marriage". The name of the fourth respondent was placed in serial No.1 of the seniority list and the appellant's name was placed in serial No.4. Subsequently, certificate verification was conducted and the fourth respondent was selected. Aggrieved by such selection, the appellant challenged the same in the writ petition.

5. The contention of the appellant is that he had undergone the "inter-caste marriage" prior to the fourth respondent and therefore, the date of marriage should be taken for the purpose of fixing the seniority among the priority candidates category. The learned Single Judge rejected the contention raised by the appellant and dismissed the writ petition, which is challenged in this appeal.


6. As rightly held by the learned Single Judge the crucial date for fixing seniority among the candidates under the priority category shall be the date on which, they have registered their names in the employment exchange. It cannot be disputed that employment is offered based on the educational qualification of the candidate,

which has been registered with the employment exchange and the benefit given by the Government for person, who has undergone "inter-caste marriage" is only a priority and when two candidates claim priority, then the date of registration of their names in the employment exchange shall be the appropriate date for fixing the seniority among the priority candidates category. This procedure has been followed by the official respondents and there is no error committed by them in selecting the fourth respondent, who admittedly registered her name prior to the appellant in the employment exchange.

7. Thus, in the absence of any error in the order passed in the writ petition, no grounds have been made out to interfere with the said order and accordingly, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

/true copy/


Sub Asst. Registrar

pbn

Copy to:

1. The Secretary,
Medical Service Recruitment Board,
DMS Compound,
No.359, Anna Salai, Teynampet,
Chennai - 600 006.
2. The Director of Medical & Rural Health Services,
Teynampet, Chennai - 600 006.
3. The Assistant Director,
Employment Exchange,
Professional and Executive Employment Office,
Santhome, Chennai - 600 004.

+1 cc to Government Pleader SR.56326

Writ Appeal No.2375 of 2012

SJ {CO}
TP/8.11.2012.