

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

Contempt Petition No.661 of 2015

M.Arjunan

... Petitioner

Vs

1.Dr.J.Radha Krishnan, I.A.S.,
Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai-9.

2.Dr.S.Geetha Lakshmi,
The Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
Chennai-10.

3.Dr.Kailash S Sharma,
The Director,
Medical Council of India,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi-110 077.

... Respondents

Contempt Petition filed under Sections 11 of the
Contempt of Courts, Act, 1971 punish the respondents for
the wilful disobedience of the order passed by this Court
in W.P.No.24502 of 2014, dated 10.09.2014.

For Petitioner .. Mr.J.S.Arun Kumar
for
M/s.Gati & Bolly Associates

For Respondents .. Mr.V.R.Kamalanathan
Addl. Govt. Pleader for R1 & R2

Mr.M.T.Arunan for R3

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

It appears that all our advices as reflected in the order dated 23.04.2015 have fallen on deaf ears. The State seems to have no sensitivity for the requirement of children of Ex-Servicemen residing in Tamil Nadu by only taking their ratio vis-a-vis the total population as a bench mark. The affidavit affirmed on 07.07.2015 by the Secretary, Health and Family Welfare Department states that there were 900 MBBS seats in 9 Medical Colleges during the year 2004, where 2 seats were allotted to the children of Ex-Servicemen. The number of MBBS seats has increased to 2555 (19 Medical Colleges) during the year 2014-2015 and on the basis of the pari materia ratio, the medical seats have been increased for 2 to 5. These two MBBS seats are stated to be constituting 0.22% of 900 seats. While now, these have been increased to 2555, out of which 15% of the total number of seats have been surrendered to the Director General of Health Services for allotment through All India

Quota and the remaining 2257 are retained for allotment under the State Quota. The five seats, thus, are stated to be constituting the same 0.22% of the total number of seats for the State Quota. A comparison is sought to be made of the current population of Tamil Nadu in 2014 as 7,54,78,738, where Ex-Servicemen population works out to 1,83,289, which is 0.25% of the total population. Five seats are stated to have been filled up, apart from one BDS seat.

2. In our view the fallacy is in comparing the population ratio for the reason that it does not seek to recognise the role played by the Armed Services people at the borders of the country. It is not as if the remaining population is willing to go to the borders!

3. The State Government ought to have derived inspiration from the neighbouring States including Karnataka, which is stated to have given 10% of the ratio, as against 0.22% in Tamil Nadu. This itself shows the odious comparison. In most States, there is an increased figure and that is the reason why we thought that at least 2% reservation as against the total population should have been made, but that is not to be. We are in contempt proceedings and we can say no more than to express our concern in the manner in which the State Government has

decided to treat the wards of the Ex-Servicemen. At least for the next academic year, we expect that the State Government will take a more positive stand, considering how the neighbouring States are dealing with the percentage of reservation for the wards of the Ex-Servicemen.

4. We close the proceedings accordingly.

Bbr

SD/-
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/06/08/2015

One CC to M/S. Gati and Bolly Associates SR.9166.

To

1.The Secretary to Government
Health and Family welfare Department,
Fort St. George,
Chennai - 9.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
Chennai - 10.

3.The Director
Medical Couoncil of India,
Pocker-14, Sector -8,
Dwaraka Phase - I
New Delhi - 110 077.