

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16214 of 2015
and M.P.No.1 of 2015

Dr.M.Gobinath

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep by its Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.
2. The Director of Public Health and Prevention
Medicines,
Chennai-600 006.
3. The Secretary,
Medical Recruitment Board,
Chennai-600 006.
4. The Deputy Director of Health Service,
Kallakurichi, Villupuram District.
5. The Dean,
Tirunelveli Medical College,
Thirunelveli.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 to 4 to relieve the petitioner from his service as Assistant Surgeon (General) at Primary Health Centre, Melnariyappanur, Kallakurichi Health Unit District and to endorse the Original Certificates handed over to the petitioner so as to enable the petitioner to join M.S. General Surgery in Tirunelveli Medical College on 08.06.2015.

For Petitioner : Dr.R.Gouri

For Respondents : Mr.Rm.Muthukumar
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner has successfully completed M.B.B.S. degree during February, 2011 and thereafter, submitted an application for selection to Post Graduate Medical Entrance Examination for MD/MS/Mch (Neurosurgery) courses for the academic year 2015-16 and the examination was conducted on 01.03.2015. In the interregnum, the petitioner was selected for the post of Assistant Surgeon (General) by the Tamil Nadu Medical Recruitment Board and he was also issued with an appointment and posting order vide proceedings dated 11.03.2015 passed by the second respondent. In pursuant to the joining instructions, the petitioner also joined at the Primary Health Centre, Melnariyappanur, Kallakurichi Health Unit District and also handed over all the original certificates. The petitioner was selected on merit cum choice for admission to pursue M.S. General Surgery in terms of the counseling held on 06.06.2015 and he was directed to report at Tirunelveli Medical College on or before 08.06.2015 and the original certificates are also handed over to the petitioner for the purpose of verification. The grievance expressed by the petitioner is that though he submitted his resignation as early as during May 2015 to the fourth respondent, no orders have been passed.

3. The learned counsel appearing for the petitioner submitted that study leave was not granted to the petitioner to pursue Post Graduate Medical Course and left with no other alternative the petitioner resigned his post and though the letter of resignation was submitted during May 2015, no orders have been passed and hence, came forward to file this writ petition.

4. Heard the submissions of Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the respondents 1 and 2.

5. The fact remains that the petitioner was recruited by the third respondent and in pursuant to the joining instructions, he joined in the post and in the interregnum, he participated in the Tamil Nadu Post Graduate Medical Entrance Examination and was successful and was given a seat in M.S. General Surgery with a further direction to join at Tirunelveli Medical College on or before 08.06.2015. Admittedly study leave was not granted to those who have got selection to undergo Post Graduate Medical Course and therefore, the petitioner is not in a position to avail the said benefit and anticipating his selection only, he submitted his letter of resignation.

6. In the result, this Writ Petition is disposed of with a direction to the fourth respondent to pass orders on the letter of resignation submitted during May 2015, within a period of one week from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and it is also open to the petitioner to submit one more reminder immediately to the fourth respondent, who shall also take into consideration the said reminder and pass orders within the time stipulated above. No costs. Consequently, connected miscellaneous petition is closed.

jvm

s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
The Government of Tamil Nadu
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.
2. The Director of Public Health and Prevention Medicines,
Chennai-600 006.
3. The Secretary,
Medical Recruitment Board,
Chennai-600 006.
4. The Deputy Director of Health Service,
Kallakurichi, Villupuram District.
5. The Dean,
Tirunelveli Medical College,
Thirunelveli.

+ 1 cc to M/s.R.Gouri, Advocate SR 27263

lrs(co)

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