

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6461 of 2015
& M.P.Nos.1 to 3 of 2015

Dr. Santhanakumaran D.

[Petitioner]

Vs

- 1 The Secretary to the Government
Health and Family Welfare Department
Secretariat Fort St. George
Chennai-9.
 - 2 Director of Medical Education
Chennai-10.
 - 3 The Secretary
Selection Committee Chennai-10.
 - 4 The Dean
KAP Vishwanatham Medical College Trichy.
 - 5 The Vice Chancellor
Tamilnadu Dr. M.G.R. Medical University No.
69 Annasalai Chennai-32.
- [Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling upon the records on the file of the fourth respondent pertaining to the petitioner regarding the commencement of the internship (C.R.R.I.) Posting dated 01.04.2005 in ref.No. 1624/MEI/2005 passed by the fourth respondent on the direction of the second respondent and to quash the same and to direct the second respondent to issue a revised posting order to the fourth respondent which should commence from 01.04.2005 instead of 04.04.2005 thereby enabling to the petitioner to grant one additional mark as per clause 44 sub clause a for the period 2006-07 and consequently the Petitioner would be entitled for nine bonus mark instead of eight bonus marks for the period of 2006-2007 2007-08 2008-09 2009-10 2010-11, 2011-12 and 2012-13, 2013-14, 2014-15 for the year 2015-16 as per the prospectus Clause 38 for Admission to Post Grade Degree/Diploma/year M.Ch. (Neuro Surgeons) courses in Tamil Nadu Government Medical Colleges/Self Financing

Institution and thereby publishing afresh ranking of selection list in accordance with law.

For petitioners : Mr.David Tyagaraj

For Respondents : Mr.V.Jayaprakash Narayanan
Spl. G.P. for RR1 to 3

Mr.Anand David
for R.5

ORDER

Heard the learned counsel on either side and perused the materials available on record.

2. The petitioner seeks for quashing the order of the 4th respondent dated 01.04.2005 and for a direction to the second respondent to issue a revised posting order to the fourth respondent which should commence from 01.04.2005 instead of 04.04.2005 thereby enabling him to grant one additional mark as per clause 44 sub clause 'a' for the period 2006-07 and consequently he would be entitled for nine bonus mark instead of eight bonus marks for the period of 2006-2007 to 2014-2015, for the year 2015-2016 as per the prospectus Clause 38 for Admission to Post Graduate Degree/Diploma/Year M.Ch (Neuru Surgery) courses in Tamil Nadu Government Medical Colleges/Self Financing Institutions and thereby publishing a fresh ranking of selection list in accordance with law.

3. The issue involved in this writ petition is covered by the several decisions of this Court in the earlier writ petitions.

4. The petitioner is a student of the 4th respondent Medical College, which is a Government College. In this writ petition, the petitioner seeks for grant of one mark which is on account of the fact that the C.R.R.I programme was commenced three days later in that College. This fact is not denied by the respondents.

5. While considering the identical prayer, this Court in W.P.Nos.14751 and 14752 of 201 dated 12.06.2013, following the earlier order passed by this Court, allowed the writ petitions, with certain directions. The operative portion of the order reads as follows:-

"3. The issue raised by the petitioners is no longer res integra in view of the earlier order dated 30 March 2007 passed by this Court in W.P.No.10922 of 2007.

4. The Post Graduate Prospectus for the year 2006-2007 contained a specific clause bearing No.44(a) providing for one mark to each of the candidates, who have completed Compulsory Rotational Residential Internship. All the other students completed the course and obtained the bonus mark. Since the institutions where the petitioners underwent internship commenced belatedly and they were able to complete the course only on 3 April, 2006, they were denied the bonus mark. This resulted in filing these writ petitions.

5. The writ petition filed by 39 students with a similar claim was allowed by a learned Judge of this Court as per order dated 30 March 2007 in W.P.No.10922 of 2007. Subsequently another batch of 4 students filed writ petition in W.P.No.35510 of 2007 praying for a similar relief. The said writ petition was also allowed by a learned Judge as per order dated 7 January 2008. Subsequently another batch of 12 students filed W.P.No.36063 of 2007. This Court was pleased to allow the writ petition as per order dated 7 January 2008 and directed the respondents to award one additional mark as per clause 44(a) of the Post Graduate Prospectus.

6. The respondents have no case that the earlier orders were challenged before the Division Bench. It is the common case of the parties that the earlier orders have become final. Therefore, the petitioners are also entitled to the benefits of the earlier orders.

7. Accordingly, by following the orders passed by this Court referred to above, there shall be a direction to the third respondent to grant seven bonus marks instead of six marks to the petitioners for admission to Post Graduate Medical Courses for MD, MS, P.G. Diploma Course and 6 years M.Ch. (Neuro-Surgery) Courses in Tamil Nadu Government Medical Colleges/Self Financing Institutions for the academic year 2013-2014.

8. The writ petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed."

6. The learned counsel for the respondents do not dispute the fact that the relief sought for in this writ petition is squarely covered by the earlier decision cited supra.

7. In the light of the above, following the earlier order passed by this Court, there will be a direction to the 3rd respondent to grant 9 bonus marks instead of 8 marks to the petitioner to enable him for admission to Post Graduate Medical Courses for MD, MS, P.G. Diploma Course and 6 years M.Ch. (Neuro-Surgery) Courses in Tamil Nadu Government Medical Colleges/Self Financing Institutions for the academic year 2015-2016.

The writ petition is disposed of with the above directions. No costs. Connected miscellaneous petitions are closed.

rg

-s/d-
Assistant Registrar(CO)
Dt:13/3/2015

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to the Government
Health and Family Welfare Department
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Tamilnadu Dr. M.G.R. Medical University No.
69 Annasalai Chennai-32.

+ 1 cc to Mr.David Thiyagaraj, Advocate SR 14242

+ 1 cc to Mr.Anand David, Advocate SR 14302

sv(co)
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