

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10173 of 2016  
and WMP.No.9045 of 2016

DR.R.Prabakaran

... Petitioner

vs.

1. The Secretary to Government  
Health & Family Welfare Department,  
Fort St. George, Chennai - 600 009.
2. The Director of Public Health &  
Preventive Medicines,  
Chennai - 600 006.
3. The Director  
Directorate of Medical Education,  
162, EVR Periyar Salai, Kilpauk,  
Chennai - 600 010.
4. The Secretary  
Selection Committee,  
Directorate of Medical Education,  
162, EVR Periyar Salai, Kilpauk,  
Chennai - 600 010.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the 3rd and 4th respondent authorities to grant two additional marks per year of petitioner's service in the hilly area Thorapalli, Hosur Block, Krishnagiri District in accordance with G.O.Ms.No.332, dated 24.11.2010 and the written communications, dated 22.02.2008 and 23.02.2016 issued by the first and second respondents respectively and as per clause 38 of the Prospectus for admission into Post Graduate Degree / Diploma courses 2016-17 and publish the revised list for the counselling for admission to Post Graduate Courses 2016-17 and permit the petitioner having Roll No.53374 to participate in the counseling on the basis of such revised rank.

For Petitioner : Mr.S.Thankasivan

For Respondents: Mrs.P.Rajalakshmi  
Govt. Advocate

## O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the 3rd and 4th respondent authorities to grant two additional marks per year of petitioner's service in the hilly area Thorapalli, Hosur Block, Krishnagiri District in accordance with G.O.Ms.No.332, dated 24.11.2010 and the written communications, dated 22.02.2008 and 23.02.2016 issued by the first and second respondents respectively and as per clause 38 of the Prospectus for admission into Post Graduate Degree / Diploma courses 2016-17 and publish the revised list for the counselling for admission to Post Graduate Courses 2016-17 and permit the petitioner having Roll No.53374 to participate in the counseling on the basis of such revised rank.

2. The petitioner is a Doctor, having completed his MBBS course during March 2013. He joined MBBS course in Thanjavur Government Medical College and Hospital, purely on merit on the basis of marks obtained by him in Plus Two Examinations. After completion of his MBBS and CRRI Training, the petitioner was appointed as Asst. Surgeon through Medical Recruitment Board on 19.09.2013 by the second respondent. The petitioner was initially appointed in Adamangalampudur, Thiruvannamalai District and on 20.02.2014, subsequently the petitioner was transferred to Thorapalli Primary Health Centre, Krishnagiri Health Unit District, Hosur Block, which is a hilly area, where at present he is working.

3. Pursuant to the above transfer, the petitioner joined in the said hilly area unit on 26.02.2014 and from then onwards, the petitioner is discharging his duties as Asst. Surgeon in the said hilly area. As the petitioner is desirous of joining Post Graduate Medical Course, the petitioner wrote Post Graduate Medical Entrance Examination conducted by the third and fourth respondents for the admission in the Academic year 2016-17. In the result, published by the respondents, the petitioner was awarded with 69.08 marks and his rank position in the merit list published by the respondent authorities is 184 (community rank) and General rank is 287.

4. According to Clause 38 of the prospectus of admission into Post Graduate Degree / Diploma courses 2016-17 published by the respondents 3 and 4, every candidate, who serves in the hilly area will be entitled to 2 marks per every completed year of service. This two marks is available as a concession and encouragement for the Government service Doctors opting to serve in the hilly . difficult area with a social commitment. The petitioner has completed 2 1/2 years of service, which forms part of full three years after the completion of CRRI training. As per the prospectus of the respondent authorities, every

service candidate shall be entitled for one mark for every completed year, after the completion of CRRI training and if a candidate works in a hilly area, as per the prospectus published by the respondent authorities, two additional marks per year shall be awarded. Hence, according to the petitioner, he is entitled for totally 7 additional marks.

5. The entrance examination is conducted for 90 marks only and the petitioner had scored 64.08 marks. According to the petitioner, the respondent authorities ought to have granted 7 more marks and declared the results of the petitioner as 71.08/100, as per Clause 38 of the prospectus. But unfortunately, the respondent authorities have published the results and rank position by adding only 5 marks and that the action of the respondent authorities is totally arbitrary. In fact, the office of the second respondent has specifically written to the third respondent on 23.02.2016, requesting to grant 2 additional marks to the petitioner, for every year of service in the station Thorapalli Primary Health Centre, Hosur Block, Krishnagiri District. In spite of the same, mark was not granted by the respondents.

6. Reiterating the said facts, the petitioner has submitted a detailed representation to the respondents 3 and 4 on 22.02.2016. But no action has been taken so far to rectify the error committed by them and hence, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

7. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

8. Though the writ petition has been filed for a positive direction, this Court is not inclined to grant the same. However, considering the facts and circumstances, this Court directs the respondents 3 and 4 to pass appropriate orders, with regard to granting two additional marks to the petitioner, in the light of the recommendation of the second respondent, dated 23.02.2016 made to the third respondent and as per Clause 38 of the prospectus for admission into Post Graduate Degree / Diploma courses 2016-17, within a period of one week from the date of receipt of a copy of this order.

9. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government  
Health & Family Welfare Department,  
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4. The Secretary  
Selection Committee,  
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Chennai - 600 010.

+1 cc to Mr.S.Thankasivam Advocate sr.18710/16  
+1 cc to Government pleader sr.18689/16

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