

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.37163 of 2015

M.Ramasamy ... Petitioner

Vs.

- 1.The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
 - 2.State of Tamil Nadu,
rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai-9.
 - 3.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai-10.
 - 4.The Director,
Medical Council of India,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi-110 077.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to implement the communication of the Ministry of Defence, India in DO No.12(73)/US/(WE)/2000/D(Res)/7833-F/RM, dated 17.11.2000 by disposing the written representation made by the petitioner on 19.08.2015 on merits in accordance with law.

For Petitioner : Mr.P.Immanuel Prakasam

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.R.Kamalanathan
Addl. Government Pleader for R1 to R3

ORDER

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

We may have full sympathy with the petitioner, but legally, not much is possible as this issue has already been examined by us in W.P.No.24502 of 2014 (M.Arjunan v. State of Tamil Nadu, rep. by its Secretary to Government, Health and Family Welfare Department, Fort St. George, Chennai-9 and others), decided on 10.09.2014 and the Contempt Petition flowing therefrom, being Contempt Petition No.661 of 2015. We can only quote paragraphs 2 and 3 of our order in the Contempt Petition dated 09.07.2015, which reads as under:-

"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."

2. We close the proceedings, hoping that at some stage, the State Government would show greater sensitivity to this issue. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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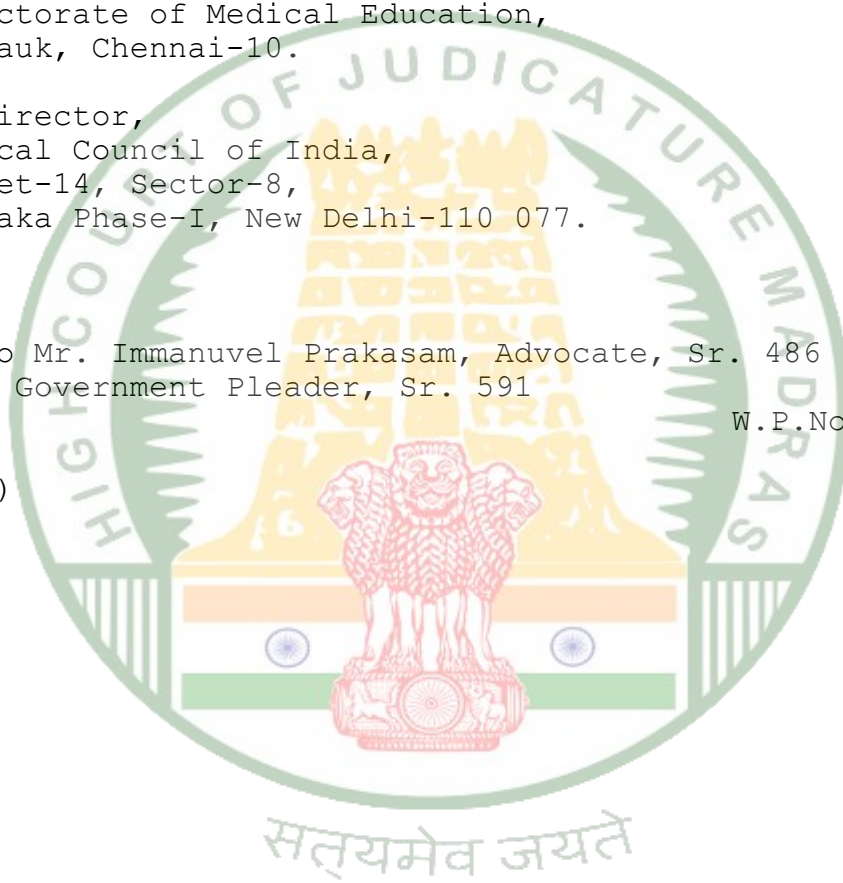
To

- 1.The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
- 2.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai-9.
- 3.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai-10.
- 4.The Director,
Medical Council of India,
Pocket-14, Sector-8,
Dwaraka Phase-I, New Delhi-110 077.

2 ccs to Mr. Immanuvel Prakasam, Advocate, Sr. 486
1 cc to Government Pleader, Sr. 591

W.P.No.37163 of 2015

KGK (Co)
kk 19/1



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