

In the High Court of Judicature at Madras

Dated : 22.9.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.24286 of 2016 & WMP.No.20763 of 2016

R.Ananthi

...Petitioner

Vs

1.State of Tamil Nadu, rep.by its
Secretary, Health & Family Welfare
Department, Fort.St.George,
Chennai-9.

2.The Secretary, Selection Committee,
Directorate of Medical Education,
162, EVR Periyar Salai, Chennai-10.

3.The Medical Council of India, rep.
by its Secretary, Pocket - 14,
Section - 8, Dwarka Phase - I,
New Delhi-110077.

4.The Dental Council of India, rep. by
its Secretary, Aiwan E - Galib Marg,
Kotla Road, Temple Lane,
New Delhi-2.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus to direct the
second respondent herein to call for the petitioner for second
phase of counselling to be held on 15.7.2016 under Special
Category for MBBS/BDS for the academic year 2016-17.

For Petitioner : Mr.C.Prabhakaran

For Respondents

1 & 2 : Mr.A.N.Thambidurai, SGP

For Respondent-3 : Mr.V.P.Raman

For Respondent-4 : Mrs.S.Seethalakshmi

ORDER

Heard all the parties.

2. The petitioner is a physically challenged person, who has been certified 60% disability. The nature of disability is mentioned in the certificate as PPRB - both i.e stiff elbow BIL.

3. It is pointed out by the learned Special Government Pleader appearing for respondents 1 and 2 that the petitioner is having disability in both the upper limbs. Therefore, when the petitioner appeared for the selection to MBBS/BDS course, she was referred to the Special Medical Board, in which, similar candidates were also assessed.

4. To enable the Special Government Pleader to produce the proceedings of the Special Medical Board, the case has been adjourned to today and a copy of the report has been produced, which shows that there were seven doctors, who constituted the Board and 92 candidates have been examined. So far as the petitioner is concerned, her name appears in S.No.31 and it has been recorded as follows :

"Post Polio Residual Paralysis of both lower limbs and upper limbs - 60% deformity."

5. In the light of the above finding recorded by the Special Medical Board, this Court cannot act as a Supervisory Authority or an Appellate Authority over the Special Medical Board, as this Court does not have any expertise in the said field. That apart, in terms of the prospectus, both the upper limbs, vision and hearing should be normal. Even as per the certificate of disability produced by the petitioner, she has 60% disability in both her upper limbs. Therefore, this Court cannot grant any direction as sought for.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, the above WMP is also dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government Tamil Nadu,
Health & Family Welfare
Department, Fort.St.George, Chennai-9.

2.The Secretary, Selection Committee,
Directorate of Medical Education,
162, EVR Periyar Salai, Chennai-10.

3.The Secretary, Medical Council of India,
Pocket - 14, Section - 8, Dwarka
Phase - I, New Delhi-110077.

4.The Secretary, Dental Council of India,
Aiwan E - Galib Marg, Kotla Road,
Temple Lane, New Delhi-2.

+1 cc to Mr.C.Prabakaran Advocate sr 54119

+1 cc to Mr.V.P.Raman Advocate sr 54314

+1 cc to Dr.S.Seethalakshmi Advocate sr 54126

+1 cc to the Government pleader sr 54490

WP.No.24286 of 2016&
WMP.No.20763 of 2016

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