

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.26769 of 2016
& W.M.P.No.22997 of 2016

Dr.Sandhyasundararajan .. Petitioner

Vs.

1.The Chairman,
Medical Service Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai,
Chennai - 600 006.

2.The Director of Public Health and
Preventive Medicine,
No.359, Anna Salai,
Chennai - 600 006.

3.The Selection Committee,
Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent herein to treat the petitioner as a "in-service candidate" for the three year Higher Speciality Courses in Tamilnadu for the session 2016-2017 and consequently direct the third respondent to include the name of the petitioner for the forthcoming next counseling yet to be scheduled and grant admission if otherwise eligible as per the prospectus for the three year Higher Speciality Courses in Tamilnadu for the session 2016-2017.

For Petitioner : M/s.O.Djearany

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the third respondent herein to treat the petitioner as a "in-

service candidate" for the three year Higher Speciality Courses in Tamilnadu for the session 2016-2017 and consequently direct the third respondent to include the name of the petitioner for the forthcoming next counseling yet to be scheduled and grant admission if otherwise eligible as per the prospectus for the three year Higher Speciality Courses in Tamilnadu for the session 2016-2017.

2.The petitioner joined service as Assistant Surgeon in the year 2013 in E.S.I.Hospital, Chennai through Tamilnadu Public Service Commission under Section 10[a][i] of General Rules of the Tamilnadu State and Subordinate Service Rules and still he is working in the said post. According to the petitioner, the third respondent has invited applications for the admission to three year Higher Speciality Courses in Tamilnadu for the session 2016-2017 and he has applied for Cardiology, as his first option and Nephrology, as his second option and he was permitted to writ the entrance examination and he got selected as tenth in rank in so far as Cardiology is concerned but he has not treated as in-service candidate. However, the petitioner requested the third respondent to treat him as 'in-service candidate' and permit him to participate in the forthcoming next counseling yet to be scheduled by the third respondent for the Higher Speciality Courses in Tamilnadu for the session 2016-2017 and hence, the Writ Petition has been filed.

3.Learned counsel for the petitioner would submit that the petitioner would be satisfied, if his request is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.S.Gunasekaran, learned Additional Government Pleader for the respondents has got no serious objection for directing the third respondent, who is the competent authority to consider the request made by the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the third respondent to consider the request made by the petitioner and pass appropriate orders, on merits and in accordance with law. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Chairman,
Medical Service Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai,
Chennai - 600 006.

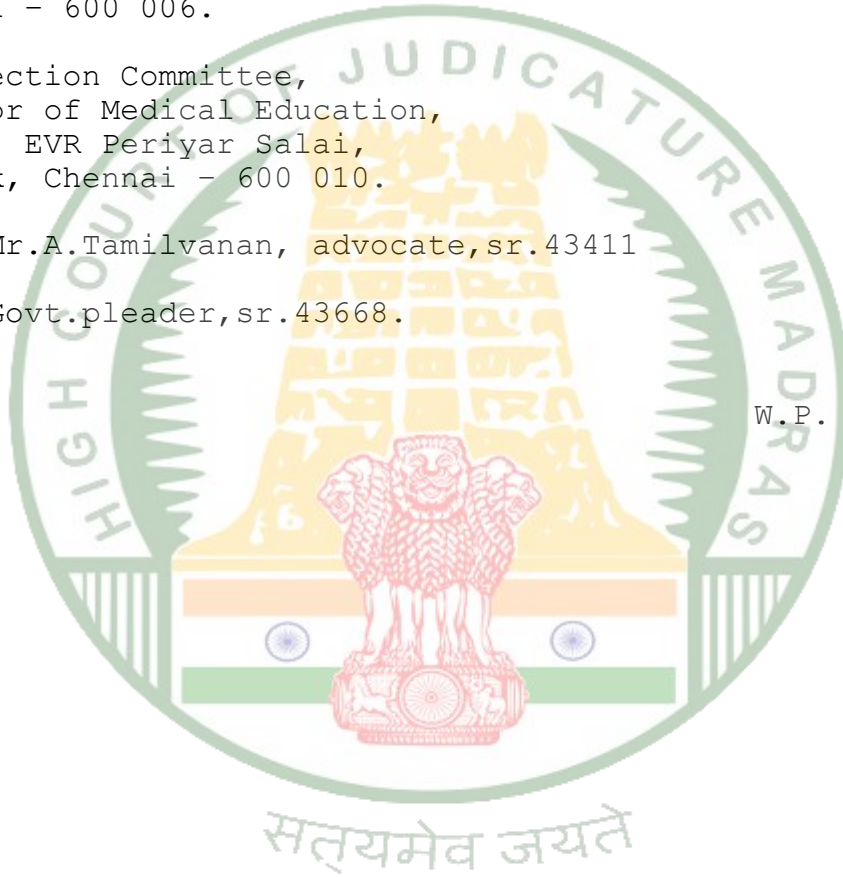
2.The Director of Public Health and
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No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

+1 cc to Mr.A.Tamilvanan, advocate,sr.43411

+1 cc to Govt.pleader,sr.43668.
svi(co)
krd 18/8

W.P. No.26769 of 2016



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