

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.8.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.No.995 of 2016
and
C.M.P.No.12956 of 2016

- 1 The Secretary to Government
Health and Family Welfare Department
Fort St. George Chennai 600 009
 - 2 The Director of Public Health and
Preventive Medicines
Chennai-600 006.
 - 3 The Director
Directorate of Medical and Rural health
Services Chennai-600 006.
 - 4 The Director
Directorate of Medical Education
162 EVR Periyar Salai
Kilpauk Chennai-600 010
 - 5 The Secretary
Selection Committee
Directorate of Medical Education
162 EVR Periyar Salai
Kilpauk Chennai-600 010
- ... Appellants/Respondents

Dr.G.Sri Balajee

vs.

सत्यमेव जयते
..... Respondent/Petitioner

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 4.4.2016 passed in W.P.No.7958 of 2016 on the file of this court.

Writ Petition filed U/A 226 of the Constitution of India, praying for issuance a Writ of Mandamus directing the respondents 4 and 5 to award additional/bonus marks to petitioner for the services rendered in the rural area as per clause 38 of the Prospectus for admission in the Post Graduate Degree/Diploma Courses for the academic year 2016-2017 and revise the rank list for the counselling for admission to post Graduate Courses for the academic year 2016-2017.

For appellant : Mrs.A.Srijayanthi,
Special Govt. Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellants.

2. This writ appeal is filed by the State against awarding of 2 additional/bonus marks to the respondent for each year of service rendered by him to get himself qualified for admission to the Post Graduate Degree/Diploma Courses for the academic year 2016-2017.

3. The case of the writ petitioner/respondent is that he is a registered Medical Practitioner, appointed as Assistant Surgeon in Palani Urban Primary Health Centre, which is under the control of Pappampatty Block Medical Officer (Rural Primary Health Centre) from 13.9.2013 and he applied for admission to the post graduation course and appeared for the entrance examination. The grievance of the writ petitioner/respondent is that though he is a service candidate and entitled to get additional/bonus marks as per the prospectus issued by the Directorate of Medical Education, it was denied to him and hence, he was constrained to file the writ petition.

4. The learned Single Judge, having considered the case of the writ petitioner/first respondent, allowed the same. The learned Single Judge has clearly observed in para 8 of the order that in similar writ petitions had been filed by the Assistant Surgeons working in Sankarapuram and Thirukoilur in Villupuram and such areas had been treated as remote/difficult areas and accordingly found that the present writ petitioner also has to be treated as service candidate for the purpose of admission to the Post Graduate Degree/Diploma Courses.

5. The learned Single Judge also noted that the very Health Centre itself where the writ petitioner has been working is a rural health centre. Apart from that Palani is a remote area from the State Headquarters viz., Chennai and also it appears that there is no access or possibility of having any access with any of the Medical Colleges to claim that the writ petitioner is working in an area with advanced or well developed area.

6. Therefore, we do not find any reason to interfere with the order of the learned Single Judge. The stand of the learned Special Government Pleader is that it is to be treated as Urban Primary Health Centre, does not hold any water and even looking from the Geographical point of view, Palani is shown to have no proper access to major Cities. In the circumstances, the writ appeal is devoid of merits and the same is dismissed at the stage of admission. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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+1cc to the Government Pleader Sr.47064

W.A.No.995 of 2016

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