

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6568 of 2016

Dr.K.Booma

...Petitioner

Vs

1. The Secretary to the Government
Health & Family Welfare Department
Secretariat
Fort St. George
Chennai 600 009.
 2. The Director of Medical Education
Chennai 600 010.
 3. The Secretary
Selection Committee
Chennai 600 010.
 4. The Dean
KAP Vishwanatham Medical College
Trichy.
 5. The Vice Chancellor
Tamil Nadu Dr.M.G.R.Medical University
No.69 Anna Salai
Chennai 600 032.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call upon the records on the file of the fourth respondent pertaining to the petitioner regarding the commencement of the internship (C.R.R.I) posting dated 1/4/2005 in Ref.No.1624/MEI/2005 passed by the fourth respondent on the direction of the second respondent and to quash the same and to direct the second respondent to issue a revised posting order to the fourth respondent which should commenced from 1/4/2005 instead of 4/4/2005 thereby enabling the petitioner to grant one additional mark as per clause 44 sub-clause 'a' for the period 2006-07 and consequently the petitioner would be entitled for ten bonus mark instead of nine bonus marks for the period of 2006 - 2007, 2007 - 2008, 2008 - 2009, 2009 - 2010, 2010 - 2011,

2011 - 2012, 2012 - 2013, 2013 - 2014, 2014 - 2014 - 2015, 2015 - 2016 for the year 2016 - 2017 as per the prospectus clause 39 (2) (i) for admission to Post Graduate Degree/Diploma/Year M.Ch (Neuro-Surgery) courses in Tamil Nadu Government Medical Colleges/Self-Financing Institutions.

For Petitioner ... Mr.David Tyagaraj
For respondents ... Mr.Digvijay Pandian
Additional Government Pleader
for R.R.1 to 3.
Mr.D.Ravichandran for R.5.

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.David Tyagaraj, learned counsel for the petitioner, Mr.Digvijay Pandian, learned Additional Government Pleader for the respondents 1 to 3 and Mr.D.Ravichandran for the fifth respondent.

3. This writ petition has been filed praying to quash the order passed by the fourth respondent in Ref.No.1624/MEI/2005, dated 1/4/2005 and to direct the second respondent, to issue a revised posting order to the fourth respondent, thereby enabling the petitioner, to grant one additional mark ,as per clause 44 sub-clause 'a' for the period 2006-07 and consequently the petitioner would be entitled for ten bonus mark instead of nine bonus marks for the period of 2006 - 2007, 2007 - 2008, 2008 - 2009, 2009 - 2010, 2010 - 2011, 2011 - 2012, 2012 - 2013, 2013 - 2014, 2014, 2015, 2015 - 2016 for the year 2016 - 2017 as per the prospectus clause 39 (2) (i) for admission to Post Graduate Degree/Diploma/Year M.Ch (Neuro-Surgery) courses in Tamil Nadu Government Medical Colleges/Self-Financing Institutions.

4. The short facts which are necessary for the disposal of this writ petition is as follows:-

(i). The petitioner has completed her M.B.B.S course from the fourth respondent College and final year M.B.B.S examination results were published on the midnight of 31/3/2005. Due to some administrative lapse on the part of the Dean of the fourth respondent College, postings were issued to the petitioner only from 4/4/2005 to 3/4/2006, due to which bonus mark was not given to the petitioner.

(ii). When the petitioner along with other similarly placed persons, earlier, filed a writ petition in W.P.No.10922 of 2007, this Court, by an order dated 30/3/2007, directed the third respondent to award one additional mark to the petitioners

therein, as per clause 44 (a) of the Post-Graduate Prospectus 2006 - 2007.

(iii). Considering the period of Internship done by the petitioner, the respondents ought to have given ten bonus marks to the petitioner, whereas they have given only nine bonus marks to the petitioner. Hence the petitioner has filed this writ petition praying for the relief as stated therein.

5. On 24/2/2016, this Court had passed an order of interim order and the same reads as follows:-

"Considering the submissions made by the learned counsel for the petitioner and following the earlier order passed in W.P.No.10922 of 2007, dated 30/3/2007, there shall be an interim direction, directing the third respondent, to grant one additional mark, as per Clause 44 (a) of the Prospectus, for the period 2006 - 2007, thereby give ten bonus marks instead of nine bonus marks to the petitioner for the period from 2006 - 2008 to 2015 - 2016, for admission to P.G.Medical Course/Diploma Course/M.ch (Neuro Surgery) courses in the Tamil Nadu Government Medical Colleges/self-financing institutions, for the year 2016 - 2017 and publish a fresh ranking of selection list in accordance with law. It is made clear that this order is passed subject to the result of the writ petition."

6. Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that pursuant to the direction of this Court, one additional mark was awarded to the petitioner and her mark has been revised from 65.16 to 66.16. An erratum to the merit list to that effect also was published on 29/2/2016.

7. In view of the submission made by the learned Additional Government Pleader appearing for the respondents 1 to 3, this writ petition is closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mvs.

To

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+1cc to Mr.David Tyagaraj, Advocate, S.R.No.17317

SV(CO)
EU(27/04/2016)



W.P.No.6568 of 2016

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