

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.Nos.6954 to 6959 of 2017

and

WMP Nos.7563 to 7586 of 2017

W.P.No.6954 of 2017

Dr.K.R.Jayashree

...Petitioner in W.P.No.6954/17

Dr.A.Gowtham Shankar

...Petitioner in W.P.No.6955/17

Dr.J.Shaick Pawood

...Petitioner in W.P.No.6956/17

Dr.Sharuka

...Petitioner in W.P.No.6957/17

Dr.D.Suresh

...Petitioner in W.P.No.6958/17

Dr.P.Karthick Kumar

...Petitioner in W.P.No.6959/17

-vs.-

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.

2.The Director,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.

3.The Secretary,
Selection Committee,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.

...Respondents in all WPs

Prayer in WP No.6954 of 2017 to 6959/17 : Writ petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of certiorarified Mandamus calling for records relating to the impugned G.O.Ms.No.29, Health & Family Welfare (MCA-1) Department, dated 8.2.2017 issued by the 1st respondent authorities and quash the same as illegal and unconstitutional and consequently direct the respondent authorities to publish the merit/rank list for admission into Post Graduate medical course 2017-18 as per the already existing notification of rural/hilly/remote and difficult area primary health centres and hospitals published by the respondents as annexure to the prospectus as upto the academic year 2016-17.

For Petitioners
in all WP's : Mr.S.Thanka Sivan

For Respondents
in all WP's : Mr.V.Andhamurthy
Addl. Govt. Pleader

COMMON ORDER

The petitioners have come up with the present Writ Petitions praying for issuance of a Writ of certiorarified Mandamus to call for records relating to the impugned G.O.Ms.No.29 Health & Family Welfare (MCA-1) Department,, dated 8.2.2017 issued by the 1st respondent authorities and quash the same as illegal and unconstitutional and consequently, direct the respondent authorities to publish the merit/rank list for admission into Post Graduate medical course 2017-18 as per the already existing notification of rural/hilly/remote and difficult area primary health centres and hospitals published by the respondents as annexure to the prospectus as upto the academic year 2016-17

2. The petitioners are Doctors serving in the Government service namely, Primary Health Center in rural areas. Those Doctors who are serving in rural areas in the Government service are entitled to incentive marks along with the entrance examination marks conducted for Post Graduate medical admission. The Doctors who are serving in hilly/remote and difficult areas which are stated in prospectus issued for admission to Post Graduate medical course alone are entitled to the incentive marks. However, this year by G.O.(Ms) No.29, Health and Family Welfare Department, dated 08.02.2017, more areas were sought to be included as hilly/remote and difficult areas, along with other areas which are included in the prospectus,. Challenging the same, the petitioners have come before this Court as they would be affected by awarding of incentive marks to the Doctors who are now presently serving in the new areas and their chance of getting Post Graduate course would be reduced.

3. Heard Mr.Thanka Sivan, learned counsel appearing for the Petitioners in all the Writ Petitions. Mr.V.Anandhamurthy, learned Additional Government Pleader (Education), produced a communication from the Secretary, Health and Family Welfare Department, dated 20.03.2017 stating that the decision to include new areas would not be implemented for the academic year 2017-18. It is further stated that the G.O.Ms.No.29 Health & Family Welfare (MCA-1) Department, dated 08.02.2017 would not be implemented and the new areas will not be taken into consideration for awarding incentive marks and areas which have been stated in the prospectus issued for the year 2016-17 alone would be followed while awarding incentive marks for the Doctors

who are serving in the rural ares. Paragraphs 2 to 4 of the communication are usefully extracted here under:

"2. In this regard, I am to state that in G.O. (Ms.) No.29, Health and Family Welfare Department, dated 08.02.2017, order have been issued notifying the Rural/Hilly/Remote/Difficult areas for award of bonus marks for experience to the service candidates, at the time of admitting them into Post Graduate medical Degree/Diploma/6 years M.Ch. (Neuro Surgery) and MDS course based on the report of the Director of Public health and Preventive Medicine/Director of Medical and Rural Health Services and Director of Medical Education,

3. I am also to state that the Government is re-examining the places notified in the said Government Order and an amendment will be issued for that order.

4. I am further to state that the places notified in the Policy/Prospectus during the last year i.e. 2016-2017 will be taken up for the purpose of admitting the Post Graduate Medical/Dental students for the year 2017-2018. I am therefore to request you to apprise the matter before the High Court of Madras as and when the case is taken up for hearing."

4. From the above extract, it is clear that a decision has been taken not to include the new areas for entitlement of incentive marks for the admission of Post Graduate students for the year 2017 and 2018 and it would take care of the interest of the Petitioners.

5. Recording the above communication, these Writ Petitions stands disposed of. Consequently, connected writ miscellaneous petitions are closed. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rgr

To

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.

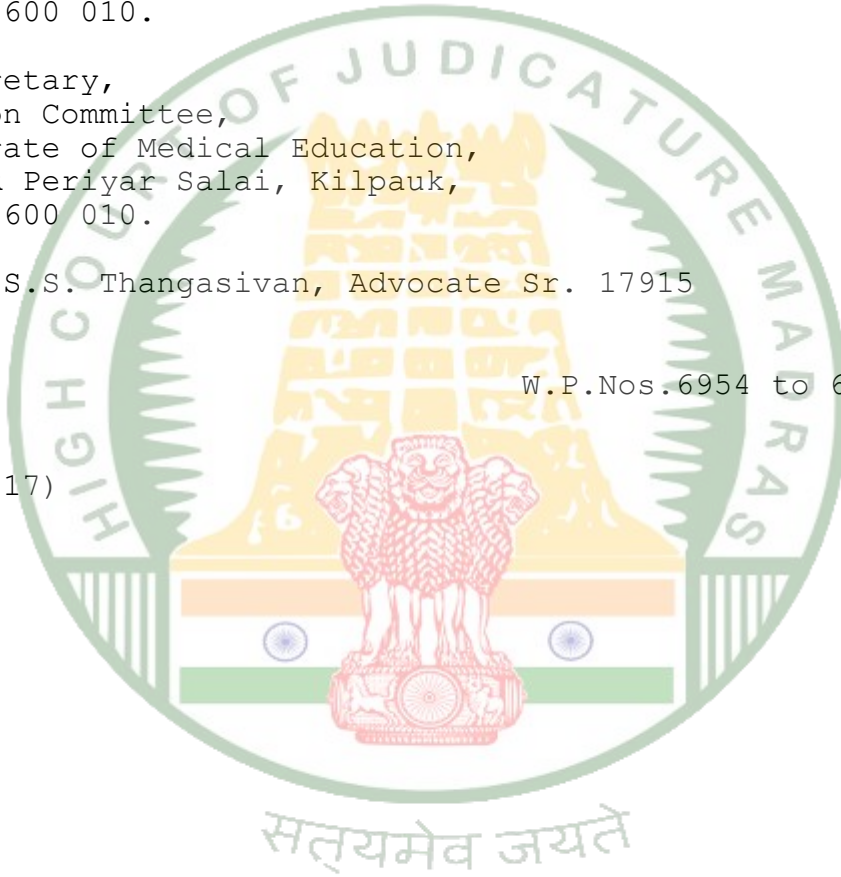
2.The Director,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.

3.The Secretary,
Selection Committee,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.

+lcc to M/S.S. Thangasivan, Advocate Sr. 17915

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NRI (CO)
VR(22/5/2017)



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