

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2017

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.12408 of 2017

and

WMP.No.13165 of 2017

N.Kayalvizhi

...

Petitioner

-Vs-

1. The Secretary to the Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
 2. The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
 3. The Selection Committee,
The Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
 4. The Director of Public Health and Preventive
Medicine, Chennai - 600 006.
 5. The Medical Council of India
rep.by its Secretary, Pocket 14, Sector 8,
Dwaraka Phase-I,
New Delhi - 110 001.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to complete the service rendered by the petitioner at G.H.Tambaram from 14.06.2011 till date as service rendered in the Primary Health Centre for computation of 30% of incentive marks under Clause 9(IV) of the Post Graduate Medical Education Regulation 2000 and award 30%marks on the marks secured by the petitioner in the NEET examination while preparing the rank list for admission to the Post Graduate post in 50% reserved category for Government servants for the academic year 2017-18 by passing order on the representation dated 8.5.2017.

For Petitioner : Ms.Bhavani Subbaroyan

Respondents : Mr.V.Anandhamurthy
(R1 to R4)

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 to complete the service rendered by the petitioner at G.H.Tambaram from 14.06.2011 till date as service rendered in the Primary Health Centre for computation of 30% of incentive marks under Clause 9(IV) of the Post Graduate Medical Education Regulation 2000 and award 30% marks on the marks secured by the petitioner in the NEET examination while preparing the rank list for admission to the Post Graduate post in 50% reserved category for Government servants for the academic year 2017-18 by passing order on the representation dated 8.5.2017.

2. The case of the petitioner is that she is a doctor, who had completed her M.B.B.S degree from Vinayaka Mission, Salem and she appeared for the Common entrance examination in 2009 and was selected for Diploma in Ophthalmology in Madras Medical College, Chennai. The petitioner was appointed in the Primary Health Centre, Maraimalai Nagar, wherein, she had served for an year. By the proceedings of the fourth respondent, in R.No.33311/PHC-5/A2/2011 dated 14.06.2011, the petitioner was transferred to the General Hospital, Tambaram. Now, the challenge of the writ petitioner is that she should be awarded 30% marks of the incentive marks as per Clause 9 (IV) of the Post Graduate Medical Education Regulation, 2000 and 30% marks based on the marks secured in the NEET examination. This writ petition is filed to enable her to get admission to the Post Graduate post in 50% reserved category for Government servants.

3. Heard the learned counsel for the petitioner as well as learned Additional Government Pleader appearing for the respondents 1 to 4.

4. The case of the petitioner is not sustainable, as the petitioner has not served in any of the rural, hilly or difficult and remote areas as prescribed in Clause (IV) of the Post Graduate Medical Education Regulation, 2000. Secondly, this Court also made clear that 50% reservations are also not available for the service candidates.

5. In view of the same, this petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ggi/arr

To

1. The Secretary to the Government,
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Fort St. George, Chennai - 600 009.
2. The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Selection Committee,
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rep.by its Secretary,
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New Delhi - 110 001.

+1cc to Mr.K.V.Sanjeev Kumar, Advocate, S.R.No.39631
+1cc to the Government Pleader, S.R.No.39722

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CS/09/06/17