

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.17031 of 2017 & W.M.P. No.18487 of 2017

Dr. K. Kalaiselvan

Petitioner

vs.

- 1 The Member Secretary
Medical Services Recruitment Board (MRB)
VII Floor, DMS Building,
No.359 Anna Salai,
Teynampet,
Chennai 600 006
 - 2 The Director of Public Health & Preventive Medicine
DMS Compound
Anna Salai
Teynampet
Chennai 600 006
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to declare the petitioner's results for the examination held on 12.02.2017 for the appointment to the post of Assistant Surgeon (General) consequent to the Notification No.12/MRB/2016 dated 10.11.2016 issued by the first respondent and to allow the petitioner to participate in the counselling for appointment to the post of Assistant Surgeon (General).

For petitioner Mr. V. Elangovan

For R1 Mr. A. Vivek

For R2 Mr. K.Rajendra Prasad
Government Advocate

ORDER

With consent, this writ petition is taken up for final disposal.

2 This writ petition has been preferred seeking a writ of mandamus directing the first respondent to declare the petitioner's results for the examination held on 12.02.2017 for the appointment to the post of Assistant Surgeon (General) consequent to the Notification No.12/MRB/2016 dated 10.11.2016

issued by the first respondent and to allow the petitioner to participate in the counselling for appointment to the post of Assistant Surgeon (General).

3 After the completion of 4 ½ year M.B.B.S. degree course in August 2015, the petitioner was issued with Provisional Pass Certificate (PP1) by the Tamil Nadu Dr. M.G.R. Medical University on 14.10.2015. Subsequently, he commenced one year Compulsory Rotary Resident Internship (CRRRI) on 17.10.2015 and completed the same on 16.10.2016 and thereafter, he was issued with Provisional Pass Certificate (PP2) by the University on 25.11.2016, which was received by him on 28.11.2016, on the basis of which, he got his name registered with the Tamil Nadu Medical Council on 30.11.2016. But, the notification prescribes that the candidates should have registered their name in the Tamil Nadu Medical Council before the date of notification, which is 10.11.2016. In view of the peculiar circumstances and the problem faced by him, the petitioner filed W.P.No.3018 of 2017 seeking a direction to the respondents to permit him to appear for selection to the post of Assistant Surgeon (General). This Court, considering the peculiar circumstances involved in the petitioner's case, by order dated 06.02.2017, having been satisfied that a prima facie case has been made out by the petitioner, directed the respondents to allow the petitioner to participate in the selection to the post of Assistant Surgeon (General), pursuant to the notification dated 10.11.2016, making it clear that the said interim order is passed without prejudice to his rights and contention. Subsequently, after participating in the selection process, the petitioner has filed the present writ petition seeking the aforesaid relief.

4 The learned Standing Counsel for the first respondent fairly submitted that the first respondent is prepared to declare the petitioner's results any day.

Recording the aforesaid submission made by the learned Standing Counsel for the first respondent, this writ petition is disposed of directing the first respondent to declare the petitioner's results forthwith. Needless to mention that if there is any vacancy, the petitioner's candidature shall be considered. Costs made easy. Connected W.M.P. is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssd

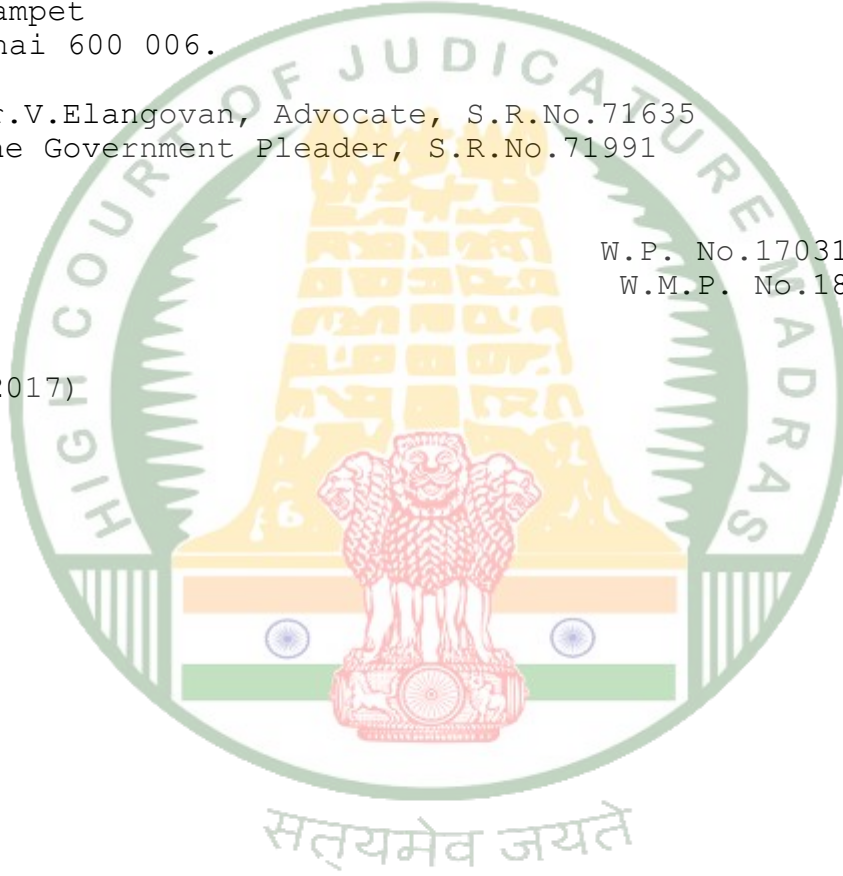
To

- 1 The Member Secretary
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- 2 The Director of Public Health & Preventive Medicine
DMS Compound
Anna Salai
Teynampet
Chennai 600 006.

+1cc to Mr.V.Elangovan, Advocate, S.R.No.71635
+1cc to the Government Pleader, S.R.No.71991

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GN(24/10/2017)



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