

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-04-2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31754 of 2015

and

M.P.1 of 2015

Dr.R.Ravindran (Exam No.30016) Petitioner

-Vs-

1.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

2. The Selection Committee,
Directorate of Medical Education, Kilpauk,
Chennai -600 010.

3. Dr.Prabakar (Exam No.30020) Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 to cancel the selection of 3rd respondent for Higher Speciality D.M.(Cardiology) Course and consequently to admit the petitioner for the Higher Speciality D.M.(Cardiology) Course based on merit in the selection in compliance to condition of Clause 5(b) of Prospectus for 2015-16 session issued by the 2nd respondent without any deviation.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Anandhamurthy (R1)
Additional Government Pleader
No appearance (R3)

O R D E R

This Writ Petition has been filed to direct the respondents 1 and 2 to cancel the selection of the third respondent for Higher Speciality D.M.(Cardiology) Course and consequently to admit the petitioner for the Higher Speciality D.M.(Cardiology)

Course based on merit in the selection in compliance to condition of Clause 5(b) of Prospectus for 2015-16 session issued by the 2nd respondent without any deviation.

2. The case of the petitioner is that he is a Doctor. He was appointed as Assistant Surgeon in Tamil Nadu Medical Service in the year 2009. He had completed the Post Graduation in M.D., (General Medicine) in the year 2014 on State Service Quota. Whiles, the second respondent also issued a prospectus for admission to 3 year Higher Specialty course in Tamil Nadu for 2015-16 session. As per the said Prospectus, selection is based on preparation of two merit list called (i) Open Merit list and (ii) Service Merit List. It is stated that as per the Clause 45(b) of the Prospectus 50% seats in each Speciality and in each college are reserved for service candidates, in addition to service candidates being selected in the open category.

3. The petitioner applied for admission to Higher Speciality course by exercising option for one discipline in Cardiology. He also wrote the Entrance examination conducted on 12.07.2015 and secured 60.75 marks and one mark by assigning one mark for each year after completion of PG Degree. Accordingly, the marks awarded was 61.75 marks in total and he was ranked as 29 in the selection list. The 3rd respondent who had completed P.G.degree had participated in the counselling, notwithstanding the fact that he had neither completed two years of service nor produced any certificate at the time of counseling. It is stated by the petitioner that the third respondent completed the P.G.Course more than three years. He is running a Private hospital in Madurai and he has not worked in Government service even a day.

4. Whiles, the 3rd respondent has been included in the selection list even in the absence of production of certificate in the Government service. Therefore the petitioner has challenged his selection as he was only 3rd wait listed candidate in service category and was not offered a seat.

5. Hence, he filed this Writ Petition seeking permission to the 1 and 2 respondents to cancel the selection of 3rd respondent for Higher Speciality in D.M.(Cardiology) course based on the merit in the selection in compliance to the condition of Clause 5(b) of Prospectus for 2015 - 2016.

6. Admittedly work period is now over and 3rd respondent has joined and completed his course. Though, there may be irregularity in the admission because of the passage of time, this petition has become infructuous. Hence, this Writ Petition is dismissed as infructuous.

7.I The respondents 1 and 2 are advised to follow the norms and also ratio laid down by the Hon'ble Supreme Court in the decisions while making such selection procedures in future. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arr

To

- 1.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.
2. The Selection Committee,
Directorate of Medical Education, Kilpauk,
Chennai - 600 010.

+1cc to M/S.G.Sankaran, Advocate Sr.23341
+1cc to the Government Pleader Sr.22813

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