

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.27385 of 2016
and
WMP Nos.23587 & 23588 of 2016

Dr.Elavazhagan.B

... Petitioner

Vs

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

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

3.Dr.T.Govindamurugan,
1st year DM Nephrology
Madras Medical College,
Chennai - 3.

4.Dr.B.Karthikeyan,
1st year DM Nephrology,
Government Stanley Medical College
Chennai - 01.

5.Dr.G.Gowthaman
1st year DM Nephrology,
Government Stanley Medical College,
Chennai - 01.

...
Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus calling for the records of the website order pertaining to the allotment for admission to DM Nephrology course for the academic year 2016-2017 dated 26.07.2016 issued by the 2nd respondent and quash the same, so far as it relates to respondents numbers 3 to 5

consequently direct the respondents 1 and 2 to conduct fresh counseling for DM Nephrology for service candidates alone, by allowing the petitioner to participate in the said counselling as service candidate.

For Petitioner : Mr.G.Justin

For Respondents : Mr.P.Sanjay Gandhi
Addl. Govt. Pleader
for R1 & R2

O R D E R

The petitioner has challenged his non-selection for DM Nephrology course for the academic year 2016 - 2017. The petitioner is a post graduate holder of M.D. in General Medicine. He entered into Government service as Assistant Surgeon on 25.05.2013, as a temporary appointee on Udayarpallayam, Government Hospital, Ariyalur, under the control of Director of Medical Services. With regard to his regularisation, the petitioner already obtained a direction from this court in W.P.No.7862 of 2016 dated 03.03.2016.

2. In these circumstances, the petitioner applied for DM tests as per the prospectus for the academic year 2016 - 2017 but he was not selected. His non-selection is being challenged before this court.

3. Heard Mr.G.Justin, learned counsel appearing for the petitioner and Mr.Sanjay Gandhi, learned counsel appearing for the first and second respondent.

4. A perusal of the records, especially Clause 9 of the prospectus would reveal that even for applying, the candidate should be a Medical Officer selected by TNPSC/MRB and appointed in the Tamil Nadu Medical services on regular basis or Medical Officers serving continuously for two years in the local bodies of Tamilnadu as on 30.06.2016. Clause 9 of the prospectus is usefully extracted as follows -

"(a) Medical Officers selected by the TNPSC/MRB (Through competitive written Examination and appointed in the Tamil nadu Medical Service on regular basis, who have put in minimum of two years of continuous regular service as on 30.06.2016 are eligible.

(b) Medical Officers serving continuously for two years in Local Bodies of Tamil nadu as on 30.06.2016

are eligible."

5. The petitioner is admittedly a temporary appointee and therefore, he is not liable under Clause 9 (a). Similarly, he has not served in any Local Bodies of Tamil Nadu. Therefore, under Clause 9 (b) also, he is not entitled to. Hence, his non-selection for DM Nephrology course for the academic year 2016 - 2017 is justified.

6. In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

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

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

+1cc to Government Pleader SR.No.15151

W.P.No.27385 of 2016

RSY (CO)
GN(07/04/2017)

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