



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2017

CORAM:

THE HONOURABLE **MR. JUSTICE M.M. SUNDRESH**

AND

THE HONOURABLE **MR. JUSTICE N. SATHISH KUMAR**

W.A. (MD) No.1172 of 2013

Dr.K.Venkatanarayanan

... Petitioner/Appellant

Vs.

1. The Secretary to the Government of TamilNadu  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai.
2. The Secretary,  
The Selection Committee,  
Director of Medical Education,  
Kilpauk,  
Chennai-10.
3. The Director of Medical Education,  
Kilpauk,  
Chennai-10.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order, dated 02.09.2013 in W.P.No.14671 of 2013.

Prayer in WP(MD). 14671/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned G.O, No. 23 Health and Family Welfare Department dated 28.05.2004 and quash the same and consequently direct the 2nd respondent to include the grand children of freedom fighter under the Special Category in the prospectus for admission to post graduate Degree/Diploma, M.D S/6 year M.Ch(Neuro Surgery) courses 2013-2014 session as per G.O(D) 1288 Health and Family Welfare Department dated 11.12.2012 issued by the 2nd respondent herein consequently direct the 2nd respondent to allot a seat to the petitioner in P.G Admission (M.D Pediatrics) for 2012-2013 and pass such further or other orders.

For Appellants : Mr.K.Samidurai

For Respondents : Mr.M.Murugan

Government Advocate

**JUDGMENT**

[Judgment of the Court was delivered by **M.M. SUNDRESH, J**]

This appeal is preferred by the writ petitioner, who is the grand children of freedom fighter. The grievance of the petitioner in the writ petition is that the impugned Government Order restricts the reservation only to the children born out of the wedlock of freedom fighters as against grand children.

2. As rightly held by the learned Single Judge, it is a policy matter. Secondly, the appellant cannot as a matter of right seek the extension. Children of freedom fighters stand on different footing than that of the grand children. For the above said purpose, the appellant ought not have challenged the Government Order. Accordingly, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

**To**

1. The Secretary to the Government of TamilNadu  
Health and Family Welfare Department,  
Secretariat, Fort St.George, Chennai.
2. The Secretary,  
The Selection Committee,  
Directorate of Medical Education,  
Kilpauk, Chennai-10.
3. The Director of Medical Education,  
Kilpauk, Chennai-10.

+1 CC to M/s.K.SAMIDURAI, Advocate, SR No. 63648.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 63726

JIKR

PSM/SV/SAR2/20.07.2017/2P/6C

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