

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10783 of 2018 and
W.M.P. Nos.12726 and 12727 of 2018

Dr.T.N.Ravisankar

.. Petitioner

-vs-

1.The State of Tamil Nadu
represented by its Principal Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai-600 009.

2.Tamil Nadu Medical Council,
rep. by its Registrar,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai-600 106.

3.The Administrator/Election Officer,
Tamil Nadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai-600 106.

4.Dr.Senthil.K

5.Dr.Jeyasingh.T

6.Dr.Thiyagarajan.R

7.Dr.Dhalapathy.S

8.Dr.Sadagopan.T

9.Dr.Ponnuraj.M.K

10.Dr.R.V.S.Surendran

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent in Ref. No.VI(1)/84/2018, Members Elected under Section 5(1)(f) of Tamil

For petitioner :: Mr.A.L.Somayaji,
 Senior Counsel for
 Mr.M.Vijayamehanath

For Respondents :: Mr.V.Jayaprakash Narayanan,
Special Government Pleader
for R1

One of the un-successful candidates in the election held by the learned Administrator, has filed this petition challenging the order passed by the third respondent in Ref. No.VI(1)/84/2018, Members Elected under Section 5(1)(f) of Tamil Nadu Medical Registration Act, 1914 published in the Tamil Nadu Government Gazette, Part VI Section 1 dated 21.02.2018 and seeking a direction to respondents 1 and 3 to recount the voting papers including 600 voting papers received through speed post and declare the result to the Tamil Nadu Medical Council by considering the petitioner's representation dated 06.04.2018.

2.Learned senior counsel appearing for the petitioner would submit that in a similar circumstance, this Court in W.P. No.4442 of 2018 dated 01.03.2018 (Dr.P.Balakrishnan vs. The State of Tamil Nadu and others) has directed the first respondent to consider and decide the petition filed by the petitioner therein and he prays for passing similar order.

3.Learned Special Government Pleader appearing for R1 would submit that the said petitioner in W.P. No.4442 of 2018 has come to this Court in respect of the subsequent election not with regard to the first election and therefore, the direction passed by this Court on 01.03.2018 to consider the petition filed by the petitioner therein, cannot be granted.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Learned Special Government Pleader would further submit that in a similar circumstance, while yet another unsuccessful candidate approached this Court, this Court in W.P. Nos.8560 to 8562 of 2018 dated 24.04.2018 has given a direction to the first respondent to consider the pending appeal/representation given by the petitioner therein in accordance with law.

6.However, it is useful to refer the Medical Registration Manual Part IV - General of Rule 19, which reads as follows:

The Council may, of its own motion, or an objection made, declare any election that has been held to be void on account of corrupt practice or any other sufficient cause and may call on the electorate to make a fresh election. The decision of the Council under this rule shall be final.

7.Since I have already given a direction to the first respondent in W.P. Nos.8560 to 8562 of 2018 dated 24.04.2018 to consider the pending appeal/ representation given by the petitioner therein, I have no hesitation to direct the first respondent to consider the same. Accordingly, the first respondent is directed to consider the representation dated 06.04.2018 filed by the petitioner under Rule 19 of the Medical Registration Manual, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this Order after hearing the petitioner as well as respondents 4 to 10. Accordingly, this writ petition is disposed of. No costs. Consequently, connected W.M.Ps are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Principal Secretary to Govt. of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, Chennai-600 009.

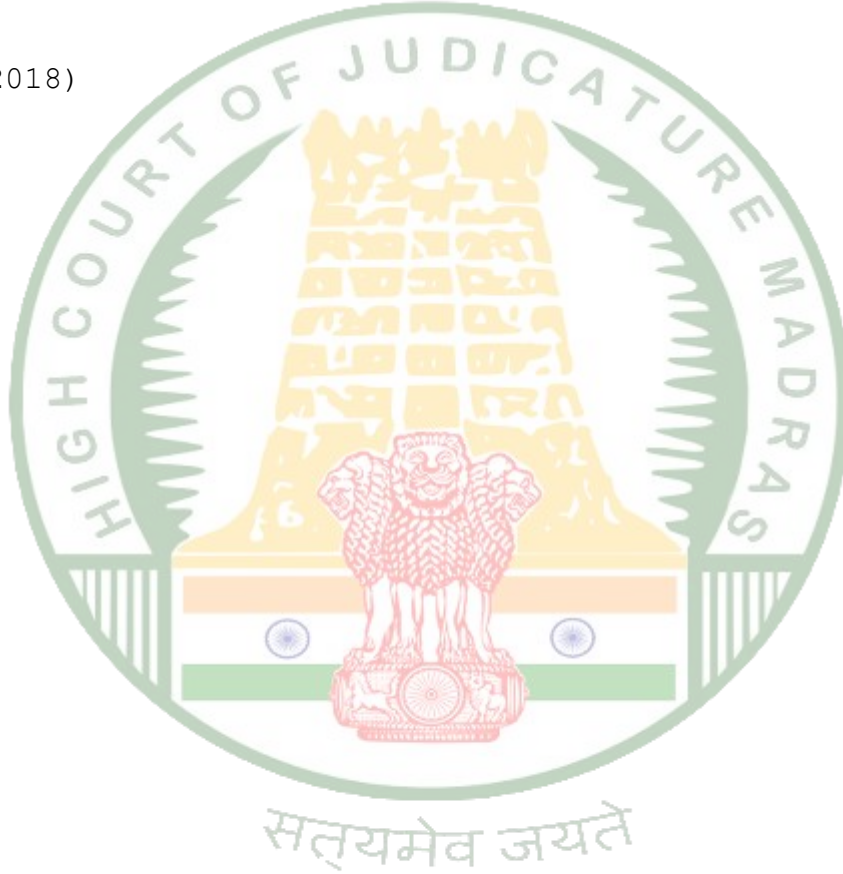
2.The Registrar, Tamil Nadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai-600 106.

3.The Administrator/Election Officer,
Tamil Nadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai-600 106.

+1cc to Mr.VIJAY MEHANATH, Advocate, S.R.No. 32672
+1cc to the Government Pleader, S.R.No.32741

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KGK(CO)
TR(16/05/2018)



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