

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.22348 of 2018

Dr.Selvajothi Ranjitham, S.P.,

... Petitioner

Versus

The Secretary to Government,
Government of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George,
Chennai -9.

... Respondent

Prayer :Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to G.O.(MD) 587 Health and Family Welfare (B2) Department dated 10.04.2018 and quash the same so for as the denial of leave salary concern and direct the respondents to sanction of study leave salary and other service benefits to the petitioner from August 2012 to May 2015 as per the order dated 28.04.2014 in W.P.No.1002/2013.

For Petitioner : Mr.V.Lakshmi Narayanan

For Respondent : Mrs.P.Kavitha,

Government Advocate (Education)

ORDER

The writ petition has been filed by the petitioner seeking direction to the respondent to sanction his study leave salary and other benefits from August 2012 to May 2015 as per the order dated 28.04.2014 made in WP.No.1002/2015.

2. The petitioner hereby challenged the denial of leave salary by the respondent. The substantive claim of the petitioner is that for the qualification of MDS acquired by the petitioner, the respondent did not grant leave with pay and allowances. In this regard, the Government order issued G.O(D). No.587, Health and Family Welfare(B2) Department, dated

10.04.2018, regularizing the study period of the petitioner as "Extra Ordinary Leave Without Pay and Allowances without Medical Certificate" as per 16 of the Tamil Nadu Leave Rules in relaxation of rule 18(1) of Fundamental Rules in her favour, by invoking the Rule 5-A of the Fundamental Rules, is relied upon.

3. Further, the learned counsel for the petitioner would also rely upon the order passed in favour the petitioner by this Court in WP.No.1002 of 2013, dated 28.04.2014, wherein it has been observed as follows:-

" In view of the above, it must be mentioned that had the petitioner been given correct marks viz., 67 marks at the first instance in the entrance examination, she would have been selected for the last free seat, as she has secured more marks than Dr.C.Rahila, who secured only 66.88 marks. Admittedly, when Dr.C.Rahila, MBC private candidate, who was shown in 26th rank with 66.88 marks, got selected for the third free seat in Preventive and Social Dentistry, which was surrendered by Dr.P.Sathishkumar, in view of the fact that the petitioner has now secured 67.00 marks, this Court hereby directs the respondents to consider her as an eligible candidate under the free Government quota admission for MDS course for the year 2012-2013. However, since the petitioner has successfully passed the first year and is going to join the second year, she is entitled to get the salary and leave for completing the three years course. It is made clear that since she was unable to get the free medical MDS seat for the year 2012-2013, the respondents are directed to grant the above mentioned benefits to the petitioner within a period of three weeks from the date of receipt of a copy of this order. With this observation and direction, the writ petition stands disposed of. Consequently, MP.Nos.1 & 3 of 2013 are closed. No costs."

4. The learned counsel for the respondent has submitted that during 2012-2013 four service candidates were selected for Post Graduate Course through Selection Committee, under single window system. The petitioner is one among them. It is further submitted by the learned counsel for the respondent that necessary proposal is under process and it will be sent shortly for sanction of the study leave salary for the period from 2012 - 2015, in respect of four service candidates. The above said submission of the learned counsel for the respondent is recorded.

5. In view of the above, the writ petition is ordered, with a direction to the respondents to sanction study leave salary and other service benefits to the petitioner, as early as possible, and in any event, on or before 31.01.2019. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

klr

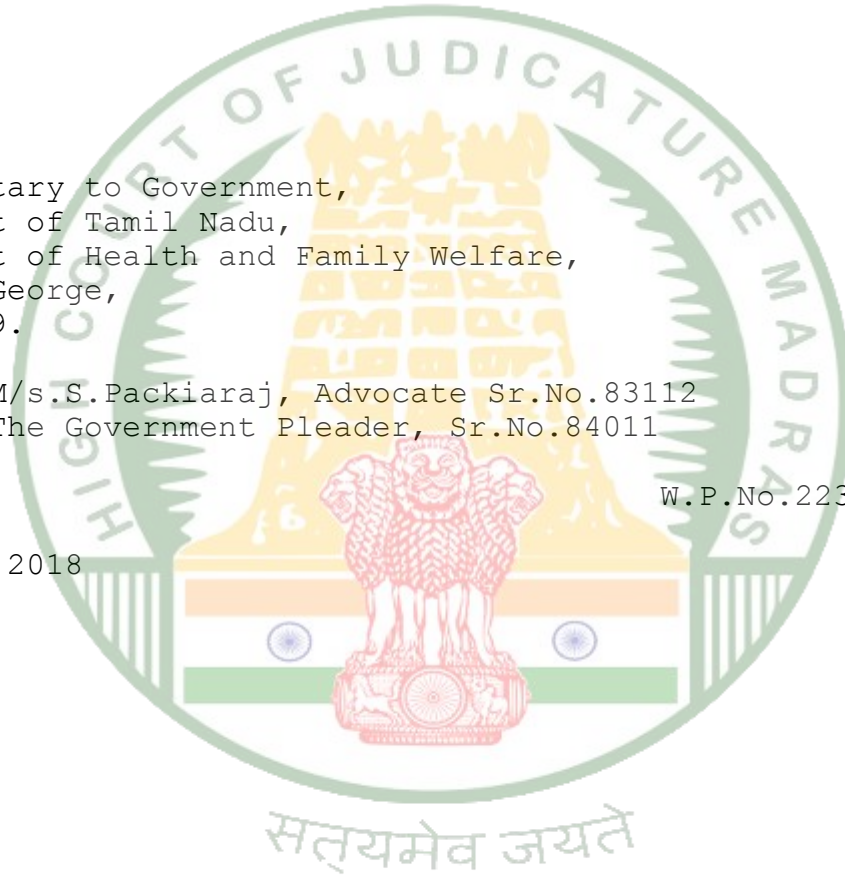
To

The Secretary to Government,
Government of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George,
Chennai -9.

+2 cc to M/s.S.Packiaraj, Advocate Sr.No.83112
+1 cc to The Government Pleader, Sr.No.84011

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NRI(CO)
CSL/28.12.2018



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