

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.05.2018
CORAM
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
W.P.No.12902 of 2018
and
W.M.P.No.15154 of 2018

Dr.J.Shanmugasundaram

..Petitioner

.. Vs ..

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

.. Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 22.05.2018 by calling for Counselling forthwith for the P.G.Course in Tamil Nadu Medical Colleges and post him in the P.G.Course any of the Medical Colleges in Tamil Nadu under SERVICE QUOTA.

For Petitioner : Mr.R.Sankarasubbu
For Respondent : Mr.K.Karthikeyan,
Government Advocate

O R D E R

This Writ Petition has been filed to direct the respondent to consider the representation of the petitioner dated 22.05.2018 by calling for Counselling forthwith for the P.G.Course in Tamil Nadu Medical Colleges and post him in the P.G.Course in any of the Medical Colleges in Tamil Nadu under SERVICE QUOTA.

2. The petitioner would submit that he completed his M.B.B.S. Degree in Puduchery University in the year 2007 and he was enrolled in the Tamil Nadu Medical Council in January 2007. Thereafter he was appointed as Medical Officer in Tamil Nadu Medical Service and posted as Assistant Surgeon during March 2015 through competitive examination conducted by the Medical Services Recruitment Board of Tamil Nadu and appointed as Assistant Surgeon at Velliyoor Primary Health Centre, Tiruvallur

District from 25.03.2015 and he is working their till date.

3. The learned counsel for the petitioner would contend that under through the competitive examination conducted by the Medical Services Recruitment Board of Tamil Nadu, the petitioner was appointed as Assistant Surgeon (General) on 16.03.2015 by the Proceedings of the Directorate of Public Health and Preventive Medicine, Chennai. While so, the petitioner appeared for the NEET Examination conducted by National Board of Examinations. The petitioner claims to be an OBC candidate, secured the mark of 424 out of 1200 and obtained the rank of 37252. When he made an application for PG Course as service candidate, it was forwarded through proper channel i.e. with the remarks of the forwarding authorities in the format prescribed in the application form. Though he submitted the application, it was not uploaded even as on 26.03.2018 which was the last date for receipt of applications. Under these circumstances, the petitioner has moved this vacation court today i.e. 24.05.2018 seeking a direction to consider his representation dated 22.05.2018 by calling for counselling forthwith for PG Medical Course in Tamil Nadu Medical Colleges and post him in the P.G.Courses in any of the Medical Colleges in Tamil Nadu under Service Quota. Since the petitioner was not given a call letter for the counselling, he has moved this Court.

4. The learned counsel for the respondent would submit that the petitioner's claim cannot be considered for PG courses in the Tamil Nadu Medical Colleges as he has not produced nativity certificate to show that he is continuously residing in Tamil Nadu for the last five years. The petitioner has completed his Under Graduate Degree in Puduchery University in the year 2007 and thereafter he has been appointed as Medical Officer in Tamil Nadu Medical Services through competitive examination conducted by the Medical Services Recruitment Board of Tamil Nadu, which shows that he has completed Under Graduate Degree at Puduchery University in 2007. That apart, thereafter completed only three years in Tamil Nadu Medical Services and hence his application was not uploaded or accepted by the said Board. The eligibility criteria in the prospectus would show that the candidates of Tamil Nadu Nativity, who have completed MBBS in any other state should furnish a Certificate of Nativity issued as per the clause 3 & 4 of the Manual for Revenue Department Officials, 2001 in Tamil Nadu by the competent authority only and supported by a copy of pass port , Aadhar Card, Voter ID or Driving License. If the copies of the supporting documents are not produced, the application will be summarily rejected. Hence, the application was not considered.

5. Heard, the counsel appearing for the petitioner and the respondent.

6. On perusing the records and affidavit and materials on record, it is clear from the prospectus that the last date for submission of application and for receiving the same is 26.03.2018 at 5.00 p.m. Thereafter, the petitioner who has applied for the PG course is well aware that his application was not accepted till 26.03.2018 at 5.00 p.m. The petitioner kept quite almost for two months. Since the date, only on 22.05.2018, the petitioner has made a representation to the respondent and immediately on 22.05.2018, he has filed this writ petition before this Court seeking for a direction to consider the petitioner's representation dated 22.05.2018 and to consider his case to call for the counselling forthwith.

7. Certainly, this Court is not able to accept the callous attitude of the petitioner when the petitioner is very well aware that his application was not accepted till last date i.e. 26.03.2018, as fixed in the prospectus, he ought to have approached this Court at the earliest point of time. However, having waited till the last date for the counselling to get over, the petitioner has to suffer for his lethargic and careless attitude.

8. In the above facts and circumstances of the case, this Court is not accepting the plea of the petitioner's counsel and this petition fails as devoid of merits. Consequently, the Writ Petition is dismissed and the connected miscellaneous petition is closed. No costs.

-s/d-

Vacation Officer/Assist Registrar

True Copy

Sub-Assistant Registrar

To

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

सत्यमेव जयते

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+1 cc to M/s.R.Sankarasubbu Advocate sr 34155

+1 cc to Govt pleader High Court Madras sr 34168

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