



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.05.2018

CORAM:

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP (MD) No.11310 of 2018

and

WMP (MD) Nos.10302 and 10303 of 2018

N.Shivram Sagar

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Director of Public Health & Preventive Medicine,
DMS Complex, Teynampet,
Chennai - 600 006.
- 4.The Secretary,
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
- 5.The Secretary,
Medical Council of India,
Pocket 14, Sector 8,
Dwaraka,
New Delhi - 110 077.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider earn leave availed by the petitioner from 18.05.2017 to 31.05.2017, unearned leave on account of medical certificate from 17.10.2017 to 31.10.2017 for granting incentive marks for admission to Post Graduate Degree/Diploma Courses in terms of the order passed in WP(MD)No.6475 of 2018 etc., batch dated 11.04.2018 by considering the petitioner's representation dated 20.05.2018 and consequently direct the respondents to award incentive marks of 30% for 3 years remote/difficult area service rendered by the petitioner for admission to Post Graduate Degree/Diploma courses.



For Petitioner

: Mr.V.Panneer Selvam

For Respondents 1 to 4

: Mr.Chellapandian,
Additional Advocate General,
Assisted by
A.K.Baskarapandian
Special Government Pleader

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O R D E R

This writ petition has been filed seeking to direct the respondents to consider the earned leave and unearned leave on account of medical certificate, for granting incentive marks for admission to Post Graduate Degree/Diploma Courses in terms of the order passed in WP(MD)No.6475 of 2018 etc., batch dated 11.04.2018 by considering the petitioner's representation dated 20.05.2018 and consequently direct the respondents to award incentive marks of 30% for 3 years remote/difficult area service rendered by the petitioner for admission to Post Graduate Degree/Diploma courses.

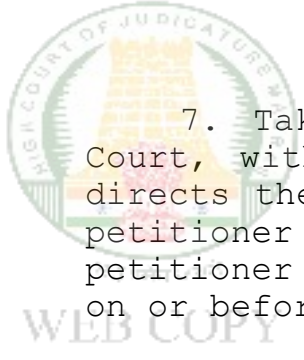
2. Heard the learned Counsel on either side.

3. According to the petitioner, by order dated 11.04.2018 passed in WP(MD)No.6475 of 2018, ect., batch, this Court has held that grant of earned leave has to be exercised by the Head of the Department. The petitioner was granted earned leave from 18.05.2017 to 31.05.2017 and was granted unearned leave from 17.10.2017 to 31.10.2017 on production of medical leave. Therefore, the petitioner is entitled to get all the benefits by treating the above said periods as duty period and entitled to get 30% of incentive mark and the name of the petitioner shall be considered under 50% reserved seats in Post Graduate Diploma Courses.

4. The respondents published the rank list on 18.05.2018 and started Counselling from 19.05.2018. Immediately, the petitioner sent a representation on 20.05.2018 to the respondents through email. But, there has been no response from the respondents. Hence, the petitioner has come forward with the present writ petition.

5. When the matter came up for hearing today, the learned Counsel for the petitioner confined his prayer and submitted that the petitioner would be satisfied, if the representation of the petitioner dated 20.05.2018 is disposed of by the fourth respondent, in the light of the order passed in WP.No.12249 of 2018 dated 10.5.2018 and the learned Counsel also undertakes that the petitioner would appear before the fourth respondent on 28.05.2018.

6. The learned Additional Advocate General appearing for the respondents 1 to 4, submitted that the request of the petitioner would be considered on merits by the fourth respondent.



7. Taking into consideration the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to consider the representation of the petitioner dated 20.05.2018, after providing opportunity to the petitioner and pass orders, on merits and in accordance with law, on or before 29.05.2018.

8. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Director of Public Health & Preventive Medicine,
DMS Complex, Teynampet,
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- 4.The Secretary,
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- 5.The Secretary,
Medical Council of India,
Pocket 14, Sector 8,
Dwaraka,
New Delhi - 110 077.

+1CC to Mr.V.Panneer Selvam, Advocate, SR.No. 66096

+1CC to the Special Government Pleader SR.No.66204

ORDER MADE IN
W.P (MD) No.11310 of 2018
24.05.2018

gk/dsk

AM/SKN RSK/SAR 4/25.05.2018/3P/8C

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