

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.21173 of 2019

Dr.A.Ansiya

.. Petitioner

/versus/

1.The Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
NirmanBhawan,
New Delhi.

2.The Dean,
ESIC Medical College & P.G.I.M.S.R
ESI Corporation,
Ministry of Labour & Employment,
Government of India,
Ashok Pillar Road,
K.K.Nagar, Chennai 600 078.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to direct the respondent No.2 to forthwith issue the course completion certificate, provision certificate, and other certificates including mark sheets, etc., to the petitioner in terms of Clause 5 of Information Bulletin (Counselling) NEET 2013 issued by the respondent No.1 without insisting the petitioner to undergo the service under ESIC Residency Scheme as per letter dated 04.06.2019.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.B.K.Girish Neelakantan, CGSC
for R1

Mr.K.Prabakar, for R2

O R D E R

Heard the learned counsel for the petitioner and the learned Standing counsel for the Union of India.

2. The grievance of the petitioner is that she was allotted a seat under All India Quota in the 2nd respondent

college to pursue MBBS course. Now the 2nd respondent has issued a communication dated 04.06.2019 informing her to serve in the rural area or to remit Rs.7,50,000/-.

3. According to the petitioner she cannot be compelled to serve in rural and it is contrary to the circular of the Director General of Health Services issued in the year 2013 which has clarified that students selected under All India Quota need not serve in rural or to execute bond.

4. The learned counsel for the respondents would submit that when an identical issue came for judicial scrutiny recently, the Hon'ble Supreme Court has held that the candidate admitted in the PG course with an undertaking to serve in rural area cannot change his stand and refuse to work in rural area.

5. The learned counsel appearing for the petitioner would submit that the said judgment pertains to the PG course and Super Speciality course and not applicable to the students admitted for UG course under the All India Quota.

6. The logic and reason stated by the Hon'ble Supreme Court of India in Association of Medical Super Speciality Aspirants and Residents & ors. Vs. Union of India & others, (Judgment dated 19.08.2019), shall squarely apply to UG medicine course also. The huge amount spend by the State to provide education in medicine and the quid pro quo expected from those who get educated at the costs of public money cannot be brushed aside. In the judgment cited above, the issue of rural service made compulsory for PG and Super Speciality courses in medicine was challenged, hence the Hon'ble Supreme Court has referred PG and Super Speciality course. This does not mean that the above ruling of the Supreme not applicable to UG courses.

7. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
NirmanBhawan,
New Delhi.

2.The Dean,
ESIC Medical College & P.G.I.M.S.R
ESI Corporation,
Ministry of Labour & Employment,
Government of India,
Ashok Pillar Road,
K.K.Nagar, Chennai 600 078.

+1 cc to M/s.A.V.Arun, Advocate Sr.No. 91374
+1 cc to M/s.A.Prabakar,Advocate Sr.No. 90920
+3 cc to Mr.M.T.Arunan, Advocate Sr.No.91242
+1 cc to M/s.B.K.Girish,Advocate Sr.No. 90982

AKM/16.12.19/3P-9C /

W.P.No.21173 of 2019



WEB COPY