

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 29.07.2019

CORAM:
THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.21648 of 2019
and
W.M.P.No.20871 of 2019

S.R.Tejaswini (Minor)
Rep.by her Father and Natural Guardian
S.Ravirajan.

.. Petitioner

/versus/

1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat, Fort St.George, Chennai-600 009.

2.The Directorate of Medical Education,
Kilpauk, 162, EVR Periyar High Road,
Kilpauk, Chennai-600 010.

3.The Secretary,
Selection Committee,
Directorate of Medical Education,
162, EVR Periyar High Road,
Kilpauk, Chennai-600 010.

4.The Secretary,
Medical Council of India,
Pocket-14, Sector-8, Dwaraka Phase-I,
New Delhi-110 077.

.. Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner for selection to MBBS/BDS Course for 2019-2020 session as per the Prospectus issued by the third respondent dated 07.06.2019 under Physically Handicapped category based on the Certificate of Disability dated 14.06.2019 issued by the Regional Medical Board situate at Rajiv Gandhi Government General Hospital, Chennai, as per MCI Regulations forthwith.

For petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Kathirvelu, Spl.G.P.for
R1 and R2
Mr.Abdul Saleem,
Standing counsel for R3 & R4

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to consider the petitioner for selection to MBBS/BDS Course for 2019-2020 session as per the Prospectus issued by the third respondent dated 07.06.2019 under Physically Handicapped category based on the Certificate of Disability dated 14.06.2019 issued by the Regional Medical Board situated at Rajiv Gandhi Government General Hospital, Chennai, as per MCI Regulations forthwith.

2. After hearing learned counsel appearing for the petitioner and learned Special Government Pleader appearing for Respondents 1 and 2 and learned Standing counsel appearing for respondents 3 and 4, this Court, on 24.07.2019, has passed the following interim orders:

"In the said circumstances, before passing any order, this Court is of the opinion that the candidate has to be again medically examined by the Medical Board on 25.07.2019 and shall ascertain about the functional ability of the candidate both dominant limb and non-dominant limb and report before this Court on 29.07.2019".

3. Pursuant to the order passed by this Court, the Regional Medical Board at Rajiv Gandhi Government General Hospital, Chennai has examined the petitioner herein and reported that since the petitioner has been using her left upper limb for eating and writing, her left upper limb is her dominant upper limb. The petitioner's left hand has no locomotion restriction. Her right upper limb is her non-dominant upper limb which she suffers locomotion restrictions.

4. In such circumstances, the petitioner is to be considered as a fit person to compete under differently abled quota. Hence, the second respondent herein is directed to consider the petitioner in the second counseling, which is likely to commence tomorrow i.e 30.07.2019.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rp1

To

1.Principal Secretary to Government,
State of Tamil Nadu,
Health & Family Welfare Department,
Secretariat, Fort St.George, Chennai-600 009.

2.The Directorate of Medical Education,
Kilpauk, 162, EVR Periyar High Road,
Kilpauk, Chennai-600 010.

3.The Secretary,
Selection Committee,
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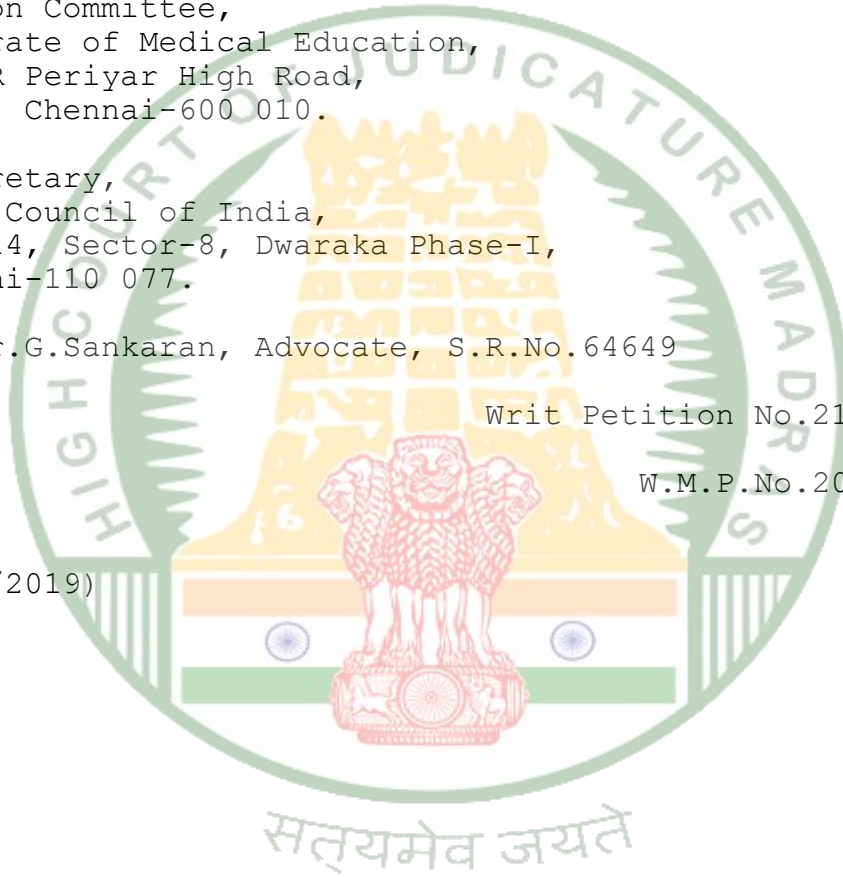
4.The Secretary,
Medical Council of India,
Pocket-14, Sector-8, Dwaraka Phase-I,
New Delhi-110 077.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.64649

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KJI (CO)

RRS (29/07/2019)



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