

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9167 of 2020

and WMP.Nos.11180, 11181 & 11183 of 2020

Dr.Satish,
Shivanand Pujari.

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.

2.The Director of Medical Education,
Kilpauk,
Chennai-600 010.

3.The Dean,
Madras Medical College,
E.V.R.Periyar Salai,
Chennai 600 003.

... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus calling for the records pertaining to the impugned order of the 1st respondent in G.O.Ms.No.185, Health and Family Welfare (MCA-I) Department dated 13.04.2020, and the consequential order of the 2nd respondent in proceeding in R.Dis.No.092905/MEII(1)/2019 dated 18.05.2020 and quash the same and consequently directing the respondents to permit the petitioner to join and undergo to join and undergo the Specialized Advance Training Course in Gynaecological Endoscopy in the Kiel School of Gynaecological Endoscopy, Germany, in the session to be conducted from 28th September to 1st October 2020 with the undertaking affidavit and bond for rendering service under the respondents 1 and 2 after the completion of the Higher Speciality course of the petitioner.

For Petitioner : Mr.C.Vidhusan

For Respondents : Mr.A.Aruldoss, for R1
Government Advocate.

E.Manokaran, for RR2 & 3
Special Government Pleader.

O R D E R

This Writ Petition was filed challenging G.O.Ms.No.185 dated 13.04.2020 and the consequential proceedings of the second respondent dated 18.05.2020. The petitioner has also sought for a direction to the respondents, to permit the petitioner to join and undergo a specialized advanced training course at Germany.

2.When the matter came up for admission during the last occasion, it was brought to the notice of this Court by the learned Special Government Pleader appearing for respondents that the petitioner had completed Post Graduate course as an in-service candidate in the year 2019 and as per Clause 56(g) of the prospectus, the petitioner's services can be availed by the State Government within a period of two years after the completion of post graduation. It was also brought to the notice of this Court that the petitioner has also executed an undertaking to serve the State Government for a period of two years.

3.This Court expressed its mind that there is no ground to interfere with the Government Order as well as consequential order passed by the second respondent. This Court had taken in to consideration the judgement of the Hon'ble Supreme Court in the case of Association of Medical Super speciality reported in 2020 3 Law Weekly 125. This judgment was also followed subsequently in the case of Dr Darshan and others reported in 2020 3 Law Weekly 141. सत्यमेव जयते

4.It was also brought to the notice of the Court that the State Government has prepared a list of 81 persons whose services are going to be utilized and the name of the petitioner is also found in the list.

5.The learned counsel appearing on behalf of the petitioner on instructions fairly submitted that considering the present pandemic situation, the petitioner will join the services immediately on receipt of the order from the respondents. The learned counsel for the petitioner made a

request to the effect that the request of petitioner can be considered in future. However this Court is not inclined to give any directions for the present.

6.The petitioner can join the services and if he has any request to be made to the respondents, the same will be considered by the respondents at the appropriate time.

7.This writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rm
To

- 1.The Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai-600 010.
- 3.The Dean,
Madras Medical College,
E.V.R.Periyar Salai, Chennai 600 003.
- 4.The Public Prosecutor,
High Court, Madras.

+1 cc to Government Pleader sr24872

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W.P.No.9167 of 2020

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