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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24123 of 2021

And

W.M.P.No.25428 of 2021

Dr.R.Arunkumar

...Petitioner/Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.
2. The Secretary,
Medical Council of India,
Pocket - 14, Sector - 8,
Dwarka Phase - I,
New Delhi - 110 077.
3. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai,
Tamil Nadu - 600 002.
4. The Director of Medical Education,
Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.
5. The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.

...Respondents/Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus calling for the records pertains to the G.O. and direct the respondents to include the



name of the Medical College Hospital situated at Thandalai Village, Thiruvarur District, as it is situated in the rural areas as identified by the Justice Selvam Committee for awarding incentive mark for in service candidate in list of places identified for awarding incentive marks in the G.O.(Ms) No.86 / Health and Family Welfare (MCA-1) Department dated 06.03.2019 in Annexure I, II, III and IV of clause 10 above and directing the respondents 3 to 5 to consider the petitioner for awarding incentive marks under the in-service candidates category as contemplated under the above G.O. in Rural Areas and select him as per his mark to PG Degree/ Diploma Courses in Tamil Nadu Government Medical Colleges and Government Seats in Self Financing Medical Colleges affiliated to the Tamil Nadu Dr.MGR Medical University 2021-2022.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus calling for the records pertaining to G.O. and to direct the respondents to include the name of the Medical College Hospital situated at Thandalai Village, Thiruvarur District, as it is situated in the rural areas as identified by Justice Selvam Committee for awarding incentive mark for in service candidate in list of places identified for awarding incentive marks in the G.O.(Ms)No.86 / Health and Family Welfare (MCA-1) Department dated 06.03.2019 in Annexure I, II, III and IV of clause 10 above and directing the respondents 3 to 5 to consider the petitioner for awarding incentive marks under the in-service candidates category as contemplated under the above G.O. in Rural Areas and select him as per his mark to PG Degree/ Diploma Courses in Tamil Nadu Government Medical Colleges and Government Seats in Self Financing Medical Colleges affiliated to the Tamil Nadu Dr.MGR Medical University 2021-2022.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3.The case of the petitioner is that the petitioner studied MBBS Degree in Thanjavur Medical College affiliated to the Tamil Nadu Dr.MGR Medical University at Chennai and registered as Medical Practitioner in the Tamil Nadu Medical Council on 28.06.2010. He was selected under Medical Recruitment Board as



Tutor in Forensic Medicine and was appointed temporarily as Assistant Surgeon in Tamil Nadu Medical Service and was posted as Casualty Medical Officer in the Unit of Trauma and Emergency at Government Thiruvavur Medical College and Hospital at Thandalai Village, Thiruvavur. The petitioner's service was regularised in the category of Assistant Surgeon with effect from 25.09.2013 fore noon and as on 31.03.2021, has completed 7 years and 6 months of service.

4.The further case of the petitioner is that he is interested in pursuing Post Graduate Degree in Surgeon or in Anaesthesia and during the year 2017 - 18, had participated in the selection process for PG admission, however, he did not have required service. The petitioner appeared for the National Board for Examination in Medical Sciences for NEET - PG 2021-2022 held on 11.09.2021 and obtained 420 out of 800.

5.The further case of the petitioner is that the fifth respondent invited online application to PG Degree/ Diploma Courses in Tamil Nadu Government Medical Colleges and Government Seats in Self Financing Medical College affiliated to Tamil Nadu Dr.MGR Medical University for 2021 - 22 session. The petitioner submitted application in the service category claiming incentive marks as contemplated under G.O.(Ms) No.86 / Health and Family Welfare (MCA-1) Department dated 06.03.2019 and as per Justice Selvam Committee recommendation since he has rendered service in Hospital situated in Rural area, however, till date the application is pending. Hence, the petitioner on the apprehension that the State Government may fail to implement G.O.(Ms)No.86/ Health and Family Welfare (MCA-1) Department dated 06.03.2019 for awarding incentive marks, has filed this writ petition.

6.The learned counsel appearing for the petitioner would submit that the petitioner made application on 22.10.2021, however, the said application is pending. Hence, this Court may permit the petitioner to make a representation to the respondents along with a copy of the application on or before 18.11.2021 and issues direction to the respondents to consider the said application in terms of G.O.(Ms) No.86 / Health and Family Welfare (MCA-1) Department dated 06.03.2019, if the same is applicable to the petitioner.

7.In view of the above, this Court permits the petitioner to make a representation to the respondents along with a copy of the application dated 22.10.2021 on or before 18.11.2021 and directs the respondents to consider the application made by the petitioner in terms of G.O.(Ms) No.86 / Health and Family Welfare (MCA-1) Department dated 06.03.2019, if the same is applicable to the petitioner and pass appropriate orders, before



publishing the result.

8.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
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No.162, Periyar E.V.R.High Road,
Kilpauk,Chennai - 600 010.

+1cc to Mr.V.Karunakaran, Advocate, S.R.No.58785
+1cc to the Government Pleader, S.R.No.58988

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MG(CO)
RGA(19/11/2021)