



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Tuesday, the Second day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice SENTHILKUMAR RAMAMOORTHY

WP(MD). Nos.18878 ,18881, 18921 and 18912 of 2021

Dr.Lokesh, S/O.Selvaraj,
Assistant Surgeon (General),
Govindampalayam Primary Health Center,
Thanthoni Block, Andavankovil West,
Karur - 639 002, Karur District.

... Petitioner in WP(MD).No.18878/2021

Dr.Preetha, D/O.Nagarajan,
Assistant Surgeon (General),
Upgraded Primary Health Center,
Thogaimalai-621 313,
Karur District.

... Petitioner in WP(MD).No.18881/2021

Dr.Mutharasan, S/O.Raja,
Assistant Surgeon (General)
Government Primary Health Center
V.Puthur-630 410
Sivagangai District

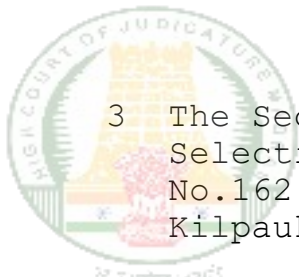
... Petitioner in WP(MD).No.18921/2021

Dr.Ananth Prasath, S/o.Madhaiyan
Assistant Surgeon (General)
Government Primary Health Center
Karvazhi, Karur Health Unit District ,
Karur, Karur District.

... Petitioner in WP(MD).No.18912/2021

Vs

- 1 The Secretary to Government
Health and Family Welfare Department
Fort St. George , Secretariat
Chennai-600009.
- 2 The Director
Directorate of Medical Education
Kilpauk, Chennai-600010.



3 The Secretary
Selection Committee,
No.162 Periyar EVR High Road,
Kilpauk, Chennai-600 010.

4 The Director of Public Health and
Preventive Medicine ,
Chennai-600006.

... Respondents in all WPs

Prayer in WP (MD). Nos.18878 ,18881, 18921/2021:-

Writ Petition is filed under Article 226 of the Constitution of India praying this court to issue a Writ of Certiorari calling for the records of the 4th respondent with respect to the proceedings issued in R.No.67102/PHC5/A2/2020 dated 06.10.2021 and quash the same as far as the fixation of qualifying date for service candidates as 31.03.2021 is concern and render justice.

Prayer in WP (MD).No.18912/2021:-

Writ Petition is filed under Article 226 of the Constitution of India ,praying this court to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent with respect to the Notification dated.06.10.2021 issued for Admission to MD/MS/Diploma courses in Tamilnadu Government colleges /Self Financing Colleges for 2021-2022 Session through G.O.(D).No.1108 Health and Family Welfare (MCA-1)Department dated 04.10.2021 and the consequential proceedings of the 4th respondent issued in R.No.67102/PHC5/A2/2020 dated 06.10.2021 and quash the same as far as the fixation of qualifying date for service candidates as 31.03.2021 is concern and consequently direct the respondents to re-fix the qualifying date for service candidates to any other date from 31.03.2021 taken into consideration the date of Examination i.e,11.9.2021. The date of publication of results i.e.28.09.2021. The date of notification i.e.06.10.2021. And the last date of submission of application i.e.22.10.2021 for the admission to MD/MS/Diploma courses in Tamilnadu Government Colleges /Self Financing Colleges for 2021-2022 session and render justice.

In all Writ Petitions

For Petitioner : Thiru.T.M.Madasamy , Advocate

For Respondents : Thiru.K.S.Selvaganesan and P.Subbaraj ,
Counsel for state

For the intervenor : Thiru.Isaac Mohanlal,Senior Counsel
was assisted by Mr.Ragatheesh,

Common Order

The respective petitioner in this batch of Writ Petitions assails a notification dated 06.10.2021 insofar as it fixes the qualifying date for service candidates as 31.03.2021.

<https://hcservices.courts.gov.in/hcservices/>



2. The admitted position in all these Writ Petitions is that the respective petitioner completed the two (2) year service requirement subsequent to 31.03.2021. The prospectus issued through the Health and Family Welfare Department for admissions to Post Graduate degree and diploma courses specified that two years of continuous service would be reckoned as on 31.03.2021. The respective petitioner assails the fixation of the cut off date of 31.03.2021 primarily on the ground that the entrance examination was conducted on 11.09.2021 and that the results thereof were declared on 28.09.2021.

3. Mr.P.Subbaraj, learned counsel for the State and Mr.K.S.Selva Ganesan, learned counsel for the State, accept notice for all the respondents in this batch of Writ Petitions. They point out that by order dated 25.10.2021 in W.P.Nos.22327, 22331 and 22332 of 2021, an identical issue was considered by the Principal Bench and that the above mentioned Writ Petitions were dismissed on the ground that there is nothing arbitrary or illegal about the fixation of the cut off date as 31.03.2021. A proposed party seeks to implead to point out that 31st March has been consistently fixed as the cut off date in preceding years and that such cut off date is not liable to be interfered with especially in the absence of a challenge to the prospectus. In view of the order proposed to be passed, such party is heard as an intervenor but not impleaded.

4. The earlier order dated 25.10.2021 in W.P.Nos.22327, 22331 and 22332 of 2021 has been placed for consideration before this Court. In such order, the Court concluded that the fixing of cut off dates is within the jurisdiction and the power of the respondents. It was also held that the fixation of a cut off date cannot be interfered with unless the same is held to be arbitrary and illegal. I see no reason to depart from the reasoning adopted in the said order since the admitted position is that 31st March was the prescribed cut off date for such purpose in the preceding academic years. Consequently, all these Writ Petitions are dismissed without any order as to costs and connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

(*) Seperate order to be Issued as per order of this Hon'ble Court dated 22/11/2021

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



TO

(*)To be substituted to the order already despatched on 18/11/2021

- 1 The Secretary to Government,
Health and Family Welfare Department,
Fort St. George , Secretariat,
Chennai-600009.
- 2 The Director,
Directorate of Medical Education
Kilpauk, Chennai-600010.
- 3 The Secretary,
Selection Committee,
No.162 Periyar EVR High Road ,
Kilpauk , Chennai-600 010.
- 4 The Director of Public Health and
Preventive Medicine ,
Chennai-600006.
5. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 22/11/2021

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ORDER

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WP (MD) .Nos.18878 ,18881,18921
and 18912 of 2021

Giving direction and etc.
as stated within.

RD(19.01.2022) 4P 6C