



WP (MD) . Nos.18906 ,18779 ,18773 , 18771, 18763, 18890, 18882, 18880 and 18952 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction**

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice SENTHILKUMAR RAMAMOORTHY

**WP (MD) . Nos.18906 ,18779 ,18773 , 18771, 18763, 18890, 18882, 18880
and 18952 of 2021**

Dr.Vidya Priyadharsini, D/o.Veluchamy
Assistant Surgeon (General)
Upgraded Primary Health Center
Rajasinga Mangalam - 623 525
Ramanathapuram District. ... Petitioner in WP(MD).No.18906/2021

Dr.Deoson, S/o.Lawrence,
Assistant Surgeon (General),
Government Primary Health Center
Zaminkollan Kondan - 626 142,
Virudhunagar District ... Petitioner in WP(MD).No.18779/2021

Dr.Preetha, D/o.Nagarajan,
Assistant Surgeon (General),
Upgraded Primary Health Center,
Thogaimalai-621 313,
Karur District ... Petitioner in WP(MD).No.18773/2021

Dr.Lokesh, S/O.Selvaraj,
Assistant Surgeon (General),
Govindampalayam Primary Health Center,
Thanthoni Block, Andankovil West,
Karur - 639 002, Karur District. ... Petitioner in WP(MD).No. 18771/2021

Dr.Mutharasan, S/O.Raja,
Assistant Surgeon (General),
Government Primary Health Center,
V.Puthur - 630 410,
Sivagangai District ... Petitioner(s) in WP(MD). 18763/2021

Dr.Prabhakaran, S/O.Alayamani,
Assistant Surgeon (General),
Government Upgraded Primary Health Center
Murukkangudi - 612202, Kumbakonam Taluk,
Thanjavur District. ... Petitioner(s) in WP(MD).18890/2021



Dr.Deepika, D/o.Ramanathan,
Assistant Surgeon (General),
Government Primary Health Center,
Thiru Uthirakosamangai - SH-MHT,
Ramanathapuram Health Unit District,
Ramanathapuram District

... Petitioner(s) in WP (MD).18882/2021

Dr.Dhanasree, W/o.Dr.N.Ganesh,
Assistant Surgeon (General),
Virudhunagar Medical College,
Virudhunagar, Virudhunagar District

... Petitioner(s) in WP (MD). 18880/ 2021

Dr.Aravindh , S/o. Umapathy,
Assistant Surgeon (General) Government Primary Health Center,
Thalavaipuram 626 188,
Virudhunagar District.

... Petitioner(s) in WP (MD). 18952/ 2021

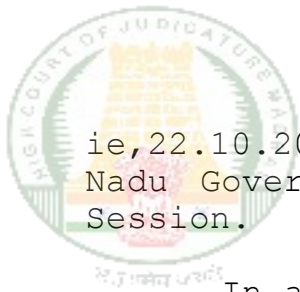
Vs

- 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-600010.

... Respondents in all WPs

Common Prayer :-

To issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent with respect to notification dated 06.10.2021 issued for Admission to MD/MS/Diploma Courses in Tamil Nadu 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 quash the same as far as the fixation of qualifying date for service candidates 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. 11.09.2021, the date of publication of results i.e. 28.09.2021, the date of notification is 06.10.2021 and the last date of submission of application



ie, 22.10.2021. For the admission to MD/MS/Diploma Courses in Tamil Nadu Government Colleges / Self Financing Colleges for 2021-2022 Session.

In all Writ Petitions:

For Petitioner : Thiru.T.M.Madasamy , Advocate
For Respondents : Thiru.K.S.Selva Ganesan 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.

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 Special Government Pleader,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/S. Isaac Chambers, Advocate, S.R.No.33720(f)

ORDER DATED : 22/11/2021

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ORDER

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18771, 18763, 18890, 18882,
18880 and 18952 of 2021

Giving direction and etc.
as stated within.

RD(19.01.2022) 4P 6C