



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.1887 of 2022

and

W.M.P.No.2038 of 2022

Dr. N. Yuvaraj

.....Petitioner

Vs

1. The Government of Tamilnadu,
Rep by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai-10.
3. The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai-600 010.
4. The Director,
Public Health and Preventive Medicine,
Chennai-6.
5. The Deputy Director,
District Health Services,
Nilgiri District,
Udhgamandalam.
6. The National Medical Commission,
Pocket-14, Sector 8,
Dwaraka Phase-I,
New Delhi-110077.
7. The Registrar,
Dr. M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai-600032.

.....Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, directing the respondents to declare the name of the petitioner as per the marks scored in the PG NEET along with the incentive marks for his services in the Rural/Hill areas as per the G.O.Ms.86, Health and Family Welfare (MCA-I) Department in the relevant place of the provisional list of the candidates for PG Degree/Diploma Courses in Tamilnadu Government Medical Colleges, Government Seats in Self-Financing Medical Colleges 2021-2022 session consequently permitting the petitioner to attend the counseling process to choose his seat according to the marks obtained through PG NEET with incentive marks as applicable for his service.

For petitioner	: Mr.M.K.Kabir, Senior Counsel for Mr.J.Kamaraj
For R1 to R5 and R7	: Mr.C.Jayaprakash, Government Advocate.
For R6	: M/s. Subharanjani (NMC)

ORDER

The present petition is filed seeking a direction to the respondents to declare the name of the petitioner as per the marks scored in the PG NEET Examination along with the incentive marks for his services in the Rural/Hill areas and permit the petitioner to attend the counselling process to choose his seat according to the marks obtained through PG NEET with incentive marks.

2. Mr. C. Jayaprakash, Learned Government Advocate takes notice for R1 to R6 & M/s. Subharanjani (NMC), Learned counsel takes notice for R7.

3. It is the case of the petitioner that after the completion of MBBS Course had attended the Examination conducted by the Medical Recruitment Board in the year 2015, in which he got selected and appointed as Assistant Surgeon at Belur, Primary Health Centre, Salem District. During the period of service, he took a long leave as he was suffering from Severe Chronic Urticaria and Mental Depression due to Marital Discord. Though the Disciplinary proceedings were pending against the petitioner, he was allowed to rejoin duty on 25.02.2021. Subsequently, the petitioner attended the PG-NEET-2021 Examination. Since, the petitioner was continuing his service in the Rural/Hill areas, he made a representation to the 5th respondent herein for availing incentive marks for his services. Though the petitioner had scored 402 marks in PG-NEET-2021 Examination which is more than the cut-off marks prescribed for General/EWS quota, the petitioner's name was not found in the



provisional selection list for counselling released by the respondents. Hence, this Writ Petition has been filed seeking the aforesaid relief.

4. Learned counsel for the petitioner submits that if the petitioner's services in the Rural/Hill areas is accounted for, he would get good chances to pursue higher education. Therefore, it would suffice if this Court directs the respondents to include the name of the petitioner in the provisional selection list within the time frame fixed by this Court.

5. Learned Government Advocate for respondents submits that the petitioner has not annexed proforma which is mandatory as per the G.O.(Ms)No.86. If the petitioner produces the proforma before the 3rd respondent, the same will be considered and his name will be included in the provisional selection list of the candidates, if otherwise the petitioner is eligible.

6. Heard the learned counsel on the either side and perused the materials available on record.

7. A careful perusal of the materials available on record reveals that the petitioner had attended the PG-NEET-2021 Examination, in which he had scored 402 marks which is more than the prescribed marks. However, his name has not been included in the provisional selection list of candidates for PG Degree/ Diploma Courses.

8. In view of the fair stand, this Court without going into the merits of the case directs the petitioner to obtain the proforma by approaching respondents 4 & 5 and respondents 4 & 5 shall issue the necessary proforma forthwith and the petitioner shall produce the same before the 3rd respondent on 04.02.2022. On receipt of the same, the 3rd respondent is directed to consider the same and include the petitioner's name in the provisional selection list of candidates relating to PG-NEET 2021 on or before 09.02.2022 if otherwise the petitioner is eligible for inclusion.

9. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

NHS



To

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Guindy, Chennai-600032.

+2cc to Mr.J.Kamaraj, Advocate, S.R.No. 6910

+1cc to Government Pleader, Sr.No. 7337 (21/03/2022)

W.P.NO.1887 of 2022

JP II(CO)
GN(03/02/2022)