



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 4511 of 2022

and

WMP.Nos. 4635, 4637 & 4639 of 2022

1.Dr.R.Rajkumar, M.S (Ortho)
2.Dr.S.Dorian Hanniel Terrence, M.S (General Surgeon)
3.Dr.K.S.Gokilaveni, M.D (Biochemistry) ...Petitioners

Vs.

1.The State of Tamil Nadu,
Rep.By its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600009.

2.The Director of Medical Education,
Kilpauk, Chennai-600010.

3.The Director of Medical and Rural Health Services,
DMS Compound, Anna Salai,
Teynampet, Chennai-600006. ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents to consider the petitioners to get transfer to Director of medical Education in the specialty department in accordance with qualification of petitioners through transfer counselling or otherwise without reference to clearance of special Qualifying Examination not conducted from the year 2018 in consideration of representation submitted by the Petitioners dated 28.01.2022.

For Petitioner : S.Nedunchezhiyan
For Respondent : Mr.S.Prabhakaran, GA

ORDER

The prayer in the present writ petition is for a direction to the Respondents to consider the petitioners to get transfer to Director of medical Education in the specialty department in accordance with qualification of petitioners through transfer counselling or otherwise without reference to clearance of



special Qualifying Examination not conducted from the year 2018 in consideration of representation submitted by the Petitioners dated 28.01.2022.

2. The learned counsel for the petitioners has submitted that the petitioners herein after completion of their MBBS degree, joined P.G Medical Course in different specialties in the year 2016-17 and completed the same in May 2019 and appointed as Assistant Surgeon in DMS side on temporary basis with regular time scale of pay based on two years bond service.

3. The learned counsel for the petitioners has further submitted that though the Government issued orders in G.O.Ms.No. 571, dated 24.12.2020 to conduct Special Qualifying Examination (SQE) for regular appointment of Assistant Surgeon, due to Covid-19 pandemic situation, the Medical Services Recruitment Board has not conducted the said examination.

4. According to the learned counsel for the petitioners, the petitioners are qualified with P.G degree and they have also submitted representation to the respondents to allow them to participate in the transfer counseling. Now the transfer counseling is scheduled to be held on 11.04.2022, therefore seeks directions to the respondents to consider their representation and pass appropriate orders.

5. The learned Government Advocate appearing for the respondents has submitted that the 2nd respondent will consider the representation of the petitioners and pass appropriate orders in accordance with Rules, within a time frame as fixed by this Court.

6. In view of the submissions made by the learned counsels on either side, this Court directs the 2nd respondent to consider the representation dated 28.01.2022 submitted by the petitioners on its own merits and in accordance with law and pass appropriate orders on or before 09.04.2022 and communicate the same to the petitioners.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600009.

2.The Director of Medical Education,
Kilpauk,
Chennai-600010.

3.The Director of Medical and Rural Health Services,
DMS Compound, Anna Salai,
Teynampet, Chennai-600006.

+1cc to Mr.G.Sankaran, Advocate Sr.23732

+1cc to the Government Pleader, S.R.No.24288

[09/06/2022]

W.P.No.4511 of 2022
and

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srg 07/04/2022