



W.P(MD)No.7667 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 14.11.2022
DELIVERED ON : 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7667 of 2014

and

M.P(MD)Nos.1 & 2 of 2014

Dr.C.Chellabaskar,
Senior Civil Surgeon,
Government Hospital,
Srivilliputhur,
Virudhunagar District.

... Petitioner

Vs.

- 1.The Secretary,
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.
- 2.The Director of Medical,
Rural Health Services & Family Welfare,
Directorate of Medical Services,
Teynampet, Chennai-600 006.
- 3.The Joint Director of Medical,
Rural Health Services & Family Welfare,
Directorate of Medical Services,
Virudhunagar.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in connection with the impugned order passed by him in his Proceedings O.Mu.No.279/Ni.1/2013, dated 26.03.2014 and quash the same as illegal and arbitrary and consequently direct the first respondent to admit the petitioner to undergo the Post Graduation Degree in M.D., Forensic Medicine for the year 2014-15 within the time limit that may be stipulated by this Court.

For Petitioner : M/s.G.Thalaimutharasu

For Respondents : M/s.V.Om Prakash

Government Advocate

ORDER

The present Writ Petition has been filed challenging a communication issued by the third respondent herein, under which, he has communicated that the petitioner's application for admission to undergo Post Graduate degree in M.D., Forensic Science for the academic year 2014-2015 was rejected by the second respondent herein.

2. According to the learned Counsel for the petitioner, he is working as a Senior Civil Surgeon in Srivilliputhur Government Hospital, Virudhunagar District. He made an application for undergoing Post



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Graduate degree in M.D., Forensic Medicine for the academic year 2014-2015 as an in-service candidate. As per the advertisement issued by the first respondent herein, the application was available in the website from 20.01.2014 and the last date for downloading the same was fixed as 05.00 P.M. on 26.01.2014. The last date for receipt of the application was fixed at 27.01.2014.

3. According to the learned Counsel for the petitioner, the petitioner had downloaded the said application and after duly filling the same, he has submitted it to the third respondent in person on 24.01.2014. However, he did not receive a hall ticket for the entrance examination, dated 16.02.2014. On enquiry, he came to know that his application was received by the first respondent only on 03.02.2014, after the last date was over. According to the learned Counsel for the writ petitioner, when the application was forwarded by the third respondent on 24.01.2014 itself, the first respondent ought not to have rejected the said application on the ground that, it was received by them belatedly. Under the impugned order, dated 26.03.2014, the third respondent has communicated to the writ petitioner that his application has been rejected by the first respondent by an order, dated 3/9



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24.02.2014, on the ground that the individual's application was received only on 03.02.2014 instead of 27.01.2014.

4. The learned Counsel for the petitioner has submitted that there is a delay on the part of the third respondent in submitting his application to the second respondent herein and hence, the order rejecting his application may be quashed and the first respondent may be directed to admit the petitioner to undergo the said course for the academic year 2014-2015.

5. The learned Government Advocate appearing for the first respondent has filed a counter to the effect that the petitioner's application was received by the first respondent only on 03.02.2014, when the last date for submission of the application is 27.01.2014. Hence, the application submitted by the writ petitioner was not entertained by the first respondent.

6. The learned Government Advocate for the respondents 2 and 3 have filed documents to the effect that the petitioner had submitted his application to the third respondent on 23.01.2014. The said application was forwarded by the third respondent to the second respondent by way of a



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registered post on 24.01.2014 itself. Hence, there is no delay on the part of the third respondent herein.

7. The learned Government Advocate for the respondents 2 and 3 also brought to the notice of the Court that the petitioner has lodged a complaint as against the third respondent herein and an enquiry was conducted under the directions of the second respondent herein. By way of an enquiry report, dated 30.12.2014, a finding was arrived at that there was no fault on the part of the third respondent herein and he has forwarded the application of the writ petitioner in time.

8. The learned Government Advocate for the respondents 2 and 3 has further contended that the petitioner has sought admission for the Post Graduate course for the academic year 2014-2015 under service quota. The writ petitioner had retired on 30.04.2019. That apart, the petitioner had applied for the same course in the next academic year and he had appeared for the examination and he was not successful. Hence, the prayer sought for in the writ petition has become infructuous and the same may be dismissed.



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9. I have carefully considered the submissions made on either side.

10. Admittedly, the petitioner has submitted his application for appearing for the Tamil Nadu Post Graduate Course Entrance Examination to the third respondent on 24.01.2014. The said application has been forwarded by the third respondent on the same day, by way of registered post to the second respondent herein. Hence, the third respondent cannot be found fault with for any delay that had occurred in the second respondent office. No allegations have been made on the side of the writ petitioner that there was delay on the part of the second respondent in forwarding the same to the first respondent herein. The first respondent in their counter have pointed out that they have received the application only on 03.02.2014, when the last date for receipt of application was 27.01.2014. Since no allegations have been made either against the second respondent or the first respondent herein, this Court is not in a position to consider anyone of the contentions of the writ petitioner.



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11. The order impugned in the writ petition is only a consequential order. The second respondent by his order, dated 24.02.2014, has informed the third respondent, that the application of the writ petitioner has been rejected on the ground that it has been belatedly received. This communication has been forwarded by the third respondent to the writ petitioner. Without challenging the communication of the second respondent, dated 24.02.2014, or the rejection order passed by the first respondent herein, the present writ petition is not maintainable.

12. The petitioner has sought for a consequential direction to the first respondent to admit him in the Post Graduate Course for the academic year 2014-2015. The learned Government Advocate appearing for the second and third respondents has brought to the notice of the Court that the petitioner has appeared for the Post Graduate Entrance Examination in the academic year 2015-2016 and he was not successful. In the year 2022, this Court cannot direct the first respondent to admit the writ petitioner for Post Graduate degree in M.D., Forensic Medicine for the academic year 2014-2015. That apart, the application of the petitioner on 23.01.2014 was



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under service quota, the petitioner has admittedly retired from service on 30.04.2019. Hence, the issue of considering the writ petitioner under the service quota also does not arise.

13. In view of the above said facts, there are no merits in the present writ petition. The writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

17.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

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- 2.The Director of Medical,
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Directorate of Medical Services, Virudhunagar.

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R.VIJAYAKUMAR, J.

btr

Order made in
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