



W.P.Nos.17554 of 2018 and 18570 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.Nos.17554 of 2018 and 18570 of 2021

W.P.No.17554 of 2018:

X.Sebastian Antony

.. Petitioner

Vs

1.The Government of Tamil Nadu,
rep. by its Health Secretary,
Fort St. George, Chennai.

2.The Director,
The Directorate of Medical Education,
Selection Committee,
Kilpauk, Chennai-600 010.

3.The Union of India,
rep. by its Department of Health and Family Welfare,
Nirman Bhawan, Maulana Azad Road,
New Delhi-110 011.

4.The Chairman,
The Medical Council of India,
Pocket 14, Sector 8, Dwaraka Phase-I,
New Delhi – 110 077.

.. Respondents



W.P.Nos.17554 of 2018 and 18570 of 2021

W.P.No.18570 of 2021:

V.Dhanalakshmi

.. Petitioner

Vs

1.The Union of India,
rep. by its Department of Health and Family Welfare,
Nirman Bhawan, Maulana Azad Road,
New Delhi-110 011.

2.The Government of Tamil Nadu,
rep. by its Health Secretary,
Fort St. George,
Chennai.

2.The Director,
The Directorate of Medical Education,
Selection Committee,
Kilpauk, Chennai-600 010.

4.The Chairman,
National Medical Commission,
Pocket 14, Sector 8,
Dwaraka Phase-I,
New Delhi – 110 077.

.. Respondents

Prayer in W.P.No.17554 of 2018: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 1 and 2 from conducting any 6 months training program by admitting students and conducting any examination to them contrary to the provisions of Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) (6 months training) Rules, 2014.



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Prayer in W.P.No.18570 of 2021: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration that admission of students to the six months training program in "Fundamentals in Abdomino-Pelvic Ultra Sonography: Level one for MBBS Doctors" for the academic session 2015-2016 is contrary to the provisions of the Pre Conception and PreNaal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014 consequently forbearing the respondents 2 and 3 from conducting any examination to them contrary to the provisions of the aforesaid Rules.

W.P.No.17554 of 2018:

For the Petitioner	: Mr.M.Narayanaswamy
For the Respondents	: Mr.P.Muthukumar State Government Pleader assisted by Mrs.R.Anitha Spl. Government Pleader for respondents 1 and 2
	: Mr.M.Sathyan ACGSC for respondent No.3
	: Mr.V.P.Raman for respondent No.4



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For the Petitioner : Mr.B.Ramkumar

For the Respondents : Ms.Shubharanjani Ananth
for respondent No.1

: Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader
for respondents 2 and 3

: No Appearance
for respondent No.4

COMMON ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard learned counsels for the petitioners. We have also heard learned State Government Pleader and learned counsels appearing for Union of India and the Medical Council of India.

2. The grievance of the petitioners is qua non-adhering of Rules 7 and 8 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014.



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3. An affidavit is filed by respondents 2 and 3 in W.P.No.18750 of 2021. The relevant excerpts read thus:

"It is submitted that, the Government of Tamil Nadu, Health and Family Welfare Department have issued G.O. (MS) No.249, Health and Family Welfare (R1) Dated: 18.08.2015 under sub-rule (2) of rule 7 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (Six month training) rules, 2014 have notified 20 Government Medical Colleges which are established in Tamil Nadu in various years which are recognized by the Medical Council of India (now National Medical Commission) for offering Post Graduate Programmes in obstetrics and Gynaecology and Radiology.

It is humbly submitted that, the act of Government of notifying the Medical Colleges for the Six months training has been done by strictly adhering to the provision of rule 7 1(b). Therefore, it is clear that there is no deviation from the rule 7 for conducting the six month training in the above said Medical Colleges."



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"It is humbly submitted that, the candidates for the six months training was selected by duly following the procedure by issuing notification calling for applications and 300 service candidates and 156 Non service candidates (totally 456 candidates) were selected based on merit by conducting the entrance exam by the selection committee, Directorate of Medical Education, Chennai.

It is also submitted that, at the time of admission of candidates for the six months training at the above 20 Medical Colleges was fully functional with Radiology and Obstetrics and Gynaecology Department and students were allotted to the above 20 institution based on 1:1 faculty to student ratio. Further the above selection was done according to the rule 8 (1(1)), 8 (1(2)), 8 (1(3)) without any deviation.

4. It is humbly submitted that, Rule 7 and Rule 8 are strictly followed by the department without any deviation and the State of Tamil Nadu as a welfare State is much concerned about the welfare of the Public and will follow all the rules in its strict sense."



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4. In the light of the statement made on affidavit as reproduced supra, the present writ petitions stand disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.20825 of 2018 and 19815 of 2021 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

17.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The Health Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai.
- 2.The Director,
The Directorate of Medical Education,
Selection Committee,
Kilpauk, Chennai-600 010.
- 3.The Department of Health and Family Welfare,
Union of India,
Nirman Bhawan, Maulana Azad Road,
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4.The Chairman,
The Medical Council of India,
Pocket 14, Sector 8, Dwaraka Phase-I,
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5.The Chairman,
National Medical Commission,
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

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