



W.P.Nos.19137, 19139, 19142, 19144, 19145, 19147,
19148, 19154, 19156 & 19158 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.19137,19139, 19142,19144,19145, 19147, 19148,
19154,19156 & 19158 of 2023

W.P.No.19137 of 2023

Dr.S.A.Mahesh Khanna

. . . Petitioners

Vs.

1.National Medical Commission,
Rep by its Secretary,
General Pocket-14,
Sector-8, Dwarka Phase-I,
New Delhi-110 077.

2. Government of Tamil Nadu,
Rep by its Principal Secretary to Government,
Health & Family Welfare Department (MCA-2),
Secretariat, Chennai.

3. Government of Tamil Nadu,
Rep by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai.



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4. The Directorate of Medical Education,
Rep by its Director,
Chennai-600 010.

5. Annamalai University,
Rep by its Vice Chancellor,
Chidambaram, Tamilnadu.

6. Annamalai University,
Rep by its Registrar,
Chidambaram, Tamilnadu.

7. Government Cuddalore Medical College
Rep by its Dean,
(Formerly Rajah Muthiah Medical College)
Chidambaram, Tamilnadu

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus for direction, directing the respondents 2 to 7 to consider and pass orders on the representation dated 04.04.2023 for disbursement of stipend payable to the petitioner towards resident program served in the Government Medical College, Cuddalore (Formerly Rajah Muthiah Medical College as payable to all non-service post graduates as per the G.O.307 dated 25.07.2018 and the amendment G.O.261 of 3rd respondent dated 21.11.2022 as per the regulations of the 1st respondent and in accordance with law.



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In all petitions:

For Petitioners : M/s.G.Mohana Krishnan
For Respondents : Mrs.Shubaranjani Ananth for R1
: Mr.P.Sathish,
Additional Government Pleader
for R2 to R4 and R7

COMMON ORDER

Since the issue involved in all the above Writ Petitions is one and the same, all the petitions are disposed of by way of this common order.

2. Mrs.Shubaranjani Ananth. Learned counsel takes notice on behalf of the 1st respondent and Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the Respondents 2 to 4 & 7.

3. The petitioners completed their Medical Course in the 5th respondent university in M.S.Ophthalmolgy during the academic year 2018-2021 by performing both clinical and academic activities for a period of 3



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years and they also rendered there service in both 1st & 2nd wave of COVID pandemic. It is the case of the petitioners that they were not paid the stipend by the respondents throughout the above said course of all three years as per G.O.Ms.No.307, Health and Family Welfare (MCA-2) Department dated 25.07.2018. Since, the petitioners are the non-service post graduates, they have collectively made representations to the respondents seeking disbursement of the stipend which they are entitled to receive as per G.O.(Ms)No.307. Since, their representation did not evoke any response from the respondents, the petitioners have come up with these Writ Petitions.

4. Though very many grounds have been raised, learned counsel for the petitioners submitted that it would suffice if this Court issues a direction to the respondents to disburse the stipend payable to the petitioners as per G.O.(Ms).No.307 amended vide G.O.Ms.No.261, Higher Education (H1) Department dated 21.11.2022, on the basis of their representation within the time frame that may be stipulated by this Court.



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5. On the above contentions, this Court heard the learned counsel appearing for the 1st respondent and learned Additional Government Pleader appearing for the respondents 2 to 4 & 7.

6. In view of the limited relief sought for by the petitioners, this Court without going into the merits of the case, directs the 2nd Respondent herein to consider the petitioners' representation seeking disbursement of the stipend payable to them in terms of G.O.Ms.No.307 dated 25.07.2018 amended vide G.O.Ms.No.261 dated 21.11.2022 and pass appropriate orders in accordance with law, after affording an opportunity of personal hearing to the petitioners, within a period of six weeks from the date receipt of a copy of this order.

7. These Writ Petitions are disposed of with the aforesaid direction. There shall be no order as to costs.

28.06.2023

Index : Yes / No



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Internet : Yes / No

NHS

To

1. The Secretary,
National Medical Commission,
General Pocket-14,
Sector-8, Dwarka Phase-I,
New Delhi-110 077.
2. The Principal Secretary to Government,
Government of Tamil Nadu,
Health & Family Welfare Department (MCA-2),
Secretariat, Chennai.
3. The Principal Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai.
4. The Director,
The Directorate of Medical Education,
Chennai-600 010.
5. The Vice Chancellor,
Annamalai University,
Chidambaram, Tamilnadu.
6. The Registrar,
Annamalai University,
Chidambaram, Tamilnadu.
7. Dean,
Government Cuddalore Medical College



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M.DHANDAPANI, J

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