



W.P.Nos.20944, 21183, 21244 & 22566 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 21.09.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.Nos.20944, 21183, 21244 & 22566 of 2023 &  
WMP.Nos.20317, 20318, 20590, 20593, 20594, 20658, 20659,  
22005 & 22006 of 2023**

|                                          |                                       |
|------------------------------------------|---------------------------------------|
| Dr.G.Elavarasan                          | ...Petitioner in WP.No.20944 of 2023  |
| 1. Dr.J.R.Sibirajan<br>2. Dr.G.Gokulnath | ...Petitionersin WP.No.21183 of 2023  |
| Dr.A.Sakthikumaran                       | ... Petitioner in WP.No.21244 of 2023 |
| Dr.M.Naveenraj                           | ... Petitioner in WP.No.22566 of 2023 |

**Vs**

1. The Secretary to Government,  
Health and Family Welfare Department,  
Fort St. George, Chennai – 600 009.
2. The Director,  
Directorate of Medical Education,  
Poonamallee High Road, Chennai – 600 010.
3. The Director of Public Health & Preventive Medicines,  
DMS Campus, Teynampet, Chennai – 600 006.



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4. The Director of Medical & Rural Health Services,  
DMS Campus, Teynampet, Chennai – 600 006.

5. The Chairman,  
Medical Services Recruitment Board [MRB],  
7<sup>th</sup> Floor, DMS Buildings,  
358, Anna Salai, Teynampet, Chennai – 600 006.

... Respondents in all WPs

Prayer in W.P.No.20944 of 2023 :- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 16.06.2023, Ref. Government Letter No. E4736872 / B1/ 2023- 1 issued by the 1st respondent which seeks to reject the claim of the petitioners for incentive marks and preference in recruitment for regular vacancies of Asst. Surgeons and medical officers and fixing an unjust scoring criteria for offering contractual employment and quash the same and consequently direct the respondent authorities to grant due incentive marks for the Covid 19 pandemic duty rendered by the petitioners in addition to the marks to be scored by the petitioner in MRB 2023 examination and grant preference in filling up the regular vacancies of Asst. Surgeons and medical officers.

Prayer in W.P.No.21183 of 2023 :- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 28.04.2023



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Ref. Government Letter No. E3707407 / B1/ 2022- 1 issued by the 1st respondent, served on the petitioners vide letter dated 12.06.2023, which seeks to reject the claim of the petitioners for incentive marks and preference in recruitment for regular vacancies of Asst. Surgeons and medical officers and fixing an unjust scoring criteria for offering contractual employment and quash the same and consequently direct the respondent authorities to grant due incentive marks for the Covid 19 pandemic duty rendered by the petitioners in addition to the marks to be scored by the petitioner in MRB 2023 examination and grant preference in filling up the regular vacancies of Asst. Surgeons and medical officers.

Prayer in W.P.No.21244 of 2023 :- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 14.12.2022, Ref. Government Letter No. 3020351 / E5/A3/ 2022 issued by the third respondent and quash the same and consequently direct the respondent authorities to grant regular incentive marks to the petitioner for the Covid 19 pandemic duty rendered by the petitioners in addition to his qualification in the MRB examinations of the year 2018 and 2023 and granting preference in the recruitment for the posts of medical officers / Asst. Surgeon following the specific observations of the Hon'ble Supreme Court of India Suo motu W.P.[Civil] No.3 of 2021 reported in 2021 SCC Online SC 355 and also the Central Government Notification dated 03.05.2021, within a time limit to be fixed by this Court.



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Prayer in W.P.No.22566 of 2023 :- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 14.12.2022, Ref. Government Letter No. 3020351/Et/A3/ 2022 issued by the third respondent and quash the same and consequently direct the respondent authorities to grant incentive marks to the petitioner for the Covid 19 pandemic duty rendered by the petitioner in addition to his marks in the MRB examination of the year 2023 and grant preference in the recruitment for the posts of medical officers / Asst. Surgeon following the specific observations of the Hon'ble Supreme Court of India Suo motu W.P.[Civil] No.3 of 2021 reported in 2021 SCC Online SC 355 and also the Central Government Notification dated 03.05.2021, within a time limit to be fixed by this Court.

For Petitioners : Mr.S.Thanka Sivan  
[in all WPs]

For Respondents : Mr.R.Ramanlal,  
[in all WPs] Addl. Advocate General  
Asst. By P.Baladhandayutham  
Special Government Pleader – R1 to R4

Mr.L.Murugavelu – R5

### **COMMON ORDER**

These Writ Petitions have been filed to quash the impugned order passed by the respondents rejecting the claim of the petitioners and



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consequently direct the respondent authorities to grant due incentive marks for the Covid 19 pandemic duty rendered by the petitioners in addition to the marks to be scored by the petitioner in MRB 2023 examination and grant preference in filling up the regular vacancies of Asst. Surgeons and medical officers.

2. When the matter is taken up today, the learned Additional Advocate General appearing for the respondents 1 to 4 on instructions submitted that the Government has passed G.O.Ms.No.278 dated 17.08.2023 granting incentive marks to the health professionals who worked during COVID 19 pandemic. Hence, submitted that nothing survives for adjudication in these Writ Petitions.

9. Recording the submissions of the learned Additional Advocate General appearing of the respondents 1 to 4, these Writ petitions are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

**21.09.2023**



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Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

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Health and Family Welfare Department,  
Fort St. George, Chennai – 600 009.
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Poonamallee High Road, Chennai – 600 010.
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**N.SATHISH KUMAR, J.**

VTC

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