



W.P.No.23884 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.08.2023

Pronounced on : 14.08.2023

CORAM : **JUSTICE N.SESHASAYEE**

W.P.No.23884 of 2023
and WMP.No.23395 of 2023

Dr.Velu Ranganathan

... Petitioner

Vs

The Chairman
Selection Committee,
Directorate of medical education,
Kilpauk, Chennai – 10.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to award full mark to the petitioner and issue revised rank list by considering the representation dated 28.7.2023 within a stipulated time.

For Petitioner : Mr.P.Sivamani

For Respondents : Ms.M.Sneha



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ORDER

The petitioner herein has completed his under graduation in medical course in 2011, and has joined the Government Service in 2014. Between 07.02.2014 and 02.08.2017, he was stationed at Government General Hospital, Walajah, a Municipal area. From 03.08.2017 he is working in a Primary Health Centre in Arunkundram, Vellore District, which is a rural area. He now intends to join the PG program within the in-service quota, for which he is eligible for 5% of his NEET score as incentive for his every year of completed service in the rural area .

2. The cut-off date for reckoning the completed years of service is fixed as 31st March of every year. According to the petitioner, he has completed 5 years 7 months and 28 days at the Primary Health Centre at Arunkundram, and hence is eligible for incentive of 25% for 5 years (5% x 5) and another 3% for the remaining 7 months and 28 days. The selection Committee, the sole respondent in this petition, however, has granted him only 25% incentive for the completed five years, but has not



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granted any proportionate incentive for the remaining 7 months and 28 days. The petitioner would claim that he is entitled to proportionate incentive even for fraction of a year, for securing which he has moved this Court with this petition seeking a direction to the respondent to that effect.

3. The respondent has filed what it describes as the 'Position Note'. Heard both sides. The learned counsel for the respondent brought to the notice of the Court a notification of the respondent, dated 22.07.2023 vis-a-vis the incentive to be granted for the in-service candidates for admission to PG and Diploma courses for the academic year 2023-2024. The dispute is all about understanding this document.

4. The learned counsel for the petitioner brought to the notice of the Court Illustration No.3 given in the said notification, and submitted that even fractional months and days within a year have been given due credit, and that in the case of the petitioner this has been overlooked and ignored.



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5.1 The counsel for the respondent however, would contend that the illustration no.3 is there only to illustrate what is there in the body of the notification, and cannot have an existence independent of it, nor can it be interpreted in a manner contrary to what was intended in the body of the notification. She added that illustration no.3 would apply only to situations where within a given year, if a candidate has worked in more than one station, some of which may be in a hilly area or difficult area, or rural area or even municipal area. Only in these circumstances, there arises a need to apportion the incentive for the period worked in the rural or hilly area, and how it must be done alone is illustrated in illustration 3.

5.2 The learned counsel would further submit that the rank list for PG students was published on 27.07.2023, that the choice-selection was over on 06.08.2023, that the first round of counselling had also been completed, and that the last date for joining the course for those who were selected in the first round of counselling was on 11.08.2023.

6. The learned counsel for the petitioner now drew the attention of this



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Court to the difference between illustration 2 and illustration 3 and argued that in illustration 2 there is a specific indication matching the submission of the counsel for the respondent, but in the illustration 3 there is no such indication.

7. This Court perused the notification dated 22.07.2023 issued by the respondent. Its opening lines provide a critical information required and it is worded both positively and negatively. The positive statement it makes is '*Incentive Marks will be awarded for completed years as on 31.03.2023.*' The negative statement it makes is '*Incentive Marks will not be awarded for fractioned service month periods.*' It then proceeds to provide illustrations to explain this intent.

8. When this Court closely read the illustrations, all the three illustrations provided are found to be in conformity with both the positive and the negative policy statements in the notification as mentioned in the earlier paragraph. There is no confusion when one peruses Illustration-I and Illustration-II. However, Illustration-III can be



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a bit tricky, but it can be explained. It contemplates a situation where a candidate has served in multiple incentive-areas within 12 months, and also for fractional days in each of these stations. And it will apply to a situation where a candidate has served at least for 11 months cumulatively in the incentive-area, and also fractional days. Suppose a candidate had worked in multiple incentive-areas within a year, and had also served a cumulative 11 months in all the stations, and also fractional days not exceeding 30 days in each of the stations, then through illustration 3, the notification explains that, if the total number of fractional days served in each of the stations are added, and if it exceeds 30 days, then that 30 days will constitute one month, and it has to be added to the remaining 11 months. This apparently done with the intent to help the candidate who in effect might have served for one completed year but may not have one completed month necessary to bridge the 11 months of completed service with the actual number of days he might have worked in excess of the 11 months. In Illustration 3 explains a hypothetical situation of a candidate worked in three different stations within one year, and in each of the station, he had worked for few



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months plus few days. And the total number of months served in all the three stations was found to be 11 months, and total number of days which a candidate worked in excess of a completed month was found to be 38 days. Here out of the 38 days, 30 days is reckoned as one month and it is directed to added to the completed 11 months in order one completed year of service may be arrived at. As stated earlier, Illustration 3 will apply only to cases where a candidate has worked at least for 11 completed months and some fractional days in multiple stations.

9. In the present case before this Court, according to the petitioner, he had worked for 5 years, 7 months and 28 days in a rural area. Even if Illustration 3 were to be applied, it will still be 5 years and 7 months. This illustration therefore cannot be applied as is believed by the petitioner. The reasons are:

- (a) The total number of days he had worked (28 days) falls short of 30 days; and
- (b) It is a case where the petitioner had worked only for 7



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additional months in excess of completed years of service and not for 11 months.

This Court considers that the petitioner has entertained a great deal of misconception about Illustration 3 in the notification dated 22.07.2023.

10. To conclude, this Court does not find any merit in this petition, and hence it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2023

Tsg/ds

Index : Yes / No

Neutral citation : yes/no

To:

The Chairman

Selection Committee,

Directorate of medical education,

Kilpauk, Chennai – 10.



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N.SESHASAYEE, J.

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Pre-delivery order in
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