



W.P.(MD)No.18715 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.(MD)No.18715 of 2021**

**and**

**W.M.P.(MD).Nos.15454, 15455 & 15459 of 2021**

1.S.Rajathy Fathima

2.M.Sahul Hameed Badusa

3.M.Manimozhi

... Petitioners

Vs

1.The Government of India,  
Rep. by its Secretary to Government,  
Ministry of Health and Family Welfare Department,  
Room No.348, A Wing,  
Nirmal Bhavan, New Delhi-110 011.

2.The State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat,  
Fort. St. George, Chennai.

3.The Secretary,  
Medical Council of India, Pocket 14,  
Sector 8, Dwaraka,  
New Delhi 110077.



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4.The Director of Medical Education,  
Kilpauk,  
Chennai-600 010.

5.The Secretary,  
Selection Committee,  
the Director of Medical Education,  
Kilpauk, Chennai 600 010.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in G.O.(Ms).No.86, Health and Family Welfare (MCA -1) Department dated 06.03.2019 in so far as it relates to non awarding of incentive marks to the Doctors attached with the CEmONC center are concerned and the consequential impugned prospectus for admission to Post Graduate Degree / Diploma Courses in Tamil Nadu Government Medical Colleges and Government Seats in Self-Financing Medical Colleges issued by the 4th respondent in his proceedings Nil dated 06.10.2021 (published in the official website of the 4th respondent) and quash the same as illegal and consequentially to direct the respondents to award incentive marks to the Doctors attached with the CemONC center in terms of the report of the Committee extracted in G.O.(Ms).No.86 for Admission to Post Graduate Degree / Diploma Courses in Tamil Nadu Government Medical Colleges and Government seats in Self-Financing Medical Colleges and consequently to consider the petitioner for admission taking into consideration of the incentive marks.



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For Petitioners : Mr.Mohammed Imran,  
for M/s.Ajmal Associates

For R-1 : Mr.V.Malayendran,  
Central Government Standing Counsel

For R-2 to R-5 : Mr.R..Ragavendran,  
Government Advocate

### **ORDER**

When the matter came up for hearing on 28.11.2023, this Court passed the following order:-

*“Considering the nature of the relief that has been sought for in this Writ Petition, it pertains to the admission for the year 2021-2022 where the petitioner was aggrieved by the fact that the incentive marks were not granted to the petitioner and consequently the petitioner did not get the admission in the Post Graduate degree. As such, nothing survives in this Writ Petition. However, the learned counsel appearing for the petitioner wants to take instructions as to whether the petitioner had participated in the subsequent selection and was once again deprived of the incentive marks.*



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*2. Hence, post this Writ Petition under the caption “For Orders” on 05.12.2023.”*

2. When the matter was taken up for hearing today, the learned counsel appearing for the petitioners submitted that since the incentive marks were not given to the petitioners, the petitioners were forced to join a private institution. Even though this Court appreciates the grievance expressed by the learned counsel for the petitioners, no further orders can be passed in this Writ Petition, considering the subsequent development.

3.This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

**06.12.2023**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
tsg



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To

- 1.The Principal Secretary to Government,  
State of Tamil Nadu,  
Health and Family Welfare Department,  
Secretariat,  
Fort. St. George, Chennai.
- 2.The Secretary,  
Medical Council of India, Pocket 14,  
Sector 8, Dwaraka,  
New Delhi 110077.
- 3.The Director of Medical Education,  
Kilpauk,  
Chennai-600 010.
- 4.The Secretary,  
Selection Committee,  
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Kilpauk, Chennai 600 010.



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**N.ANAND VENKATESH, J.**

tsg

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**06.12.2023**