



WP (MD) No.19109 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 30.08.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP (MD) No.19109 of 2023**

**and**

**WMP (MD) No.15851 of 2023**

M.Pandi

... Petitioner

Vs

The Secretary and Members of  
Selection committee for PG Courses,  
Director of Medical Education,  
No.162, Periyar EVR High Road,  
Kilpauk, Chennai - 10.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to invite the petitioner for counselling for selection of PG Courses to be held on 07.08.2023 or upcoming subsequent date as per the National Medical Council.

For petitioner : Mr.M.V.Venkataseshan,  
Senior Counsel for  
Mr.Vellaichamy.S

For Respondent : Ms.Snekha



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**ORDER**

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The petitioner is a practicing Doctor, who has appeared in the PG NEET and has filed this writ petition for a direction to the respondent to allow the petitioner in the counselling for Post Graduate Courses in the Tamil Nadu Medical Colleges.

2.The petitioner claims that he completed MBBS Course in the year 1996 and also completed Diploma in Otorhino Laryngology (DLO) at MGR Medical University. He was also appointed as an Assistant Surgeon in the Government Hospital, Thirupathur, Sivagangai through TNPSC in the year 2009 and now he is serving as a Senior Assistant Surgeon at Government Hospital, Thiruparankundram, Madurai. The petitioner appeared for PG NEET on 05.03.2023 and the score card was furnished to him on 25.03.2023 in which he has scored 388 marks out of 800 marks. Hence he has applied for the PG State Course along with all documents relating to his educational qualification and service on 15.07.2023. However his candidature was not considered for the counselling. Therefore, this writ petition is filed.



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3.The learned Counsel for the petitioner submits that the petitioner is now working as a Senior Assistant Surgeon at the Government Hospital, Thiruparankundram, Madurai. He has appeared for in the NEET for PG courses, scored 388 marks out of 800 marks. With this marks, he has applied for the counselling for the PG courses. However, he has not been selected for the counselling by misconception of the respondent in understanding the concept of 5 years of government service after completion of the PG courses. Now the petitioner is 53 years old and after completion of the PG course which has duration of 3 years, he would be having 4 years of service. He has also relied on the clause 37(e) of the prospectus of Admission to Post Graduate Degree / Diploma courses in Tamil Nadu Medical College - 2023 - 2024. The learned Counsel for the petitioner submits that the petitioner is prepared to give an undertaking that he would serve even after the superannuation compensating the shortfall years of service, as per clause 37 (e) of the prospectus.



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4.The learned Standing Counsel appearing for the respondent by referring Clause 11 of the prospectus of Admission to Post Graduate Degree / Diploma courses in Tamil Nadu Medical College - 2023 - 2024 submits that service candidates, who have applied under Service quota should have a minimum of 5 years of left over service at the end of their post graduation. The learned Counsel further submits that Clause 37(e) is applicable only for the service candidates, who have been allotted and joined the course within the period and for any reason, if those candidates do not complete the course within the specified duration, it may be extended and such candidates have to give an undertaking to serve in the government for a period of 5 years from the date of clearing the post graduation irrespective of the date of superannuation. Therefore, this clause will come into play, only if the petitioner had been admitted to the course.

5.This Court considered the rival submissions and perused the materials placed on record.



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6.The petitioner having completed his MBBS Course in the year 1996 and the Diploma in Otorhino Laryngology (DLO) at MGR Medical University has now appeared for PG NEET on 05.03.2023, in which he has become eligible by scoring 388 marks out of 800 marks. The grievance of the petitioner is that on the notification dated 07.07.2023 for PG Course State Counselling, the petitioner's application was not considered and his name was not included in the rank list in the category of service candidates.

7.It would be relevant to refer to Clause 11 of the prospectus, which reads as follows:

"11. ... ..

*The service candidates, who have applied under Service Quota, should have minimum of Five Years left over service, at the end of their post graduate degree / diploma courses."*

8.As per the above clause, the petitioner should have a minimum of 5 years of left over service at the end of the Post Graduate Course. However, the petitioner, who is now



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aged 53 years, would be having only 4 years of left over service at the end of the PG Course. Therefore, at the first instance the petitioner becomes ineligible under service quota for being considered for the counselling.

9.The petitioner has relied on Clause 37(e) of the prospectus, which is extracted as under:

*"37(e) All service candidates of Tamil Nadu, who have less than 5 years of service after completion of their PG Degree / Diploma Courses, who have to serve the government for a period of 5 years from the date of clearing the examination irrespective of the date of superannuation, if the government require their services. They have to furnish an undertaking to this effect at the time of joining the course."*

10.The respondents claim that this clause would be applicable only to the service candidates, who have joined the PG course, but could not complete the course within a stipulated period of five years and if the government requires their services, they have to furnish an



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undertaking. This clause provides for an undertaking to the candidates at the time of joining the course. Since this petitioner does not come under the eligible category under clause 11 of the prospectus, this Court is not inclined to issue any positive direction. Therefore, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is also dismissed.

30.08.2023

dsk

To

The Secretary and Members of  
Selection committee for PG Courses,  
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**B.PUGALENDHI, J.**

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