



W.P(MD)No.9862 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9862 of 2017

Venkatesh Kumar

...Petitioner

Vs.

- 1.The Government of India,
Rep. by its Secretary,
Ministry of Labour and Employment,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi - 110 001.
- 2.The Director General,
Employees State Insurance Corporation,
Panchdeep Bhawan,
Comrade Inderjeet Gupta (CIG) Marg,
New Delhi - 110 002.



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3. Medical Council of India

Rep. by its Secretary,
Pocket - 14, Sector - 8 Dwarka Phase – 1,
New Delhi - 110 077.

4. The Joint Director,

ESI Corporation,
Sub Regional Office,
Salai Street,
Vannarapettai,
Tirunelveli - 627 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 16.05.2017 and to take appropriate action in a concerted manner for making provision for the reservation to the ESI Doctors in the Post Graduate course conducted by the Employees' State Insurance Corporation in its institutions, within a time frame fixed by this Court.



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For Petitioner : Mr.M.Saravanan

For Respondents : Mr.K.Ashok Kumar Ram - for R1

Mr.P.Ganapathi Samy – for R2 & R4

ORDER

The petitioner is working in a private company and he is an insured person under the ESI scheme. Alleging that there are certain deficiency in the health care services rendered to the ESIC beneficiaries, he has submitted a representation to the Director General, ESI Corporation, New Delhi, requesting the ESIC to withdraw the post graduate seats given to All India quota and to fill the same by the management as per MCI regulations on PG admission 2000 and by following the Armed Force Medical Services PG admission policy as per the recommendations of sub-committee on ESIC medical services and medical education constituted in the year 2014. Since the representation of the petitioner has not been considered, he has filed this Writ Petition for a Mandamus directing the respondent to consider his representation, dated 16.05.2017.



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2. The learned counsel for the respondents 2 and 4 submits that the ESI Corporation is a statutory Corporation under the Ministry of Labour and Employment, Government of India and the admissions for Post Graduation course in the ESI Medical College are followed as per the rules and regulations framed by the Government of India. As a member of the ESI Corporation, he is entitled to get medical and other benefits in accordance with the ESI scheme and he cannot seek for an admission in the ESI Colleges and also for any reservation.

3. The learned counsel for the petitioner submits that a quota has been provided for the insured persons and this petitioner has made a representation seeking the quota which has been ensured under the Insured Persons Quota (IPS).

4. This Court considered the rival submissions made and perused the materials available on record.



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5. The representation of this petitioner is pending from the year 2017. The petitioner is with a grievance that as per the rules and regulations of the ESI Corporation, they have to provide seats under the Insured Persons Quota after allocating the seats under All India Quota and State Government quota. In the event, if the respondents have provided such a quota to any members, they could very well inform the same to the petitioner in reply to his representation. However, the respondents have not passed any orders on the representation of the petitioner, but simply stated that they are governed by the Central Government rules and regulations without pointing out the exact rules. In the event, if there is any quota available as claimed by the petitioner under Insured Persons Quota (IPS), the respondents shall inform the same to the petitioner and also inform the number of seats which have been allotted under the said scheme, if any.

6. Accordingly, this Writ Petition is disposed of, with a direction to the first respondent to pass appropriate orders on the



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petitioner's representation, dated 16.05.2017, on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

18.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM



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B.PUGALENDHI, J.

RM

Order made in
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