



W.P.No.11301 of 2022 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.11301, 11304, 11306, 11310, 11314, 11318,
11320, 11323, 11324, 11327 of 2022

W.P.No.11301 of 2022:-

Dr.E.Indhumathi

...Petitioner

-Vs-

1. The Principal Secretary to Government,
Health and Family Welfare Department,
St. George Fort, Secretariat,
Chennai – 600 009.
2. The Director of Medical Education,
The Directorate of Medical Education,
DMS Compound, Teynampet,
Chennai – 600 018.
3. The Director of Public Health and
Preventive Medicine,
DMS Compound, Teynampet,
Chennai – 600 018.
4. The Chairman,
The Medical Service Recruitment Board,
359, Anna Salai, Restrevor Rarden,
Teynampet, Chennai – 6.



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5. The Director of Medical and
Rural Heal Services,
DMS Compound, Teynampet,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to conduct special qualifying examination as per the notification dated 15.11.2021 for the firstly published eligible list of doctors to enable the petitioner to get the benefits of a regular Medical Officer in the Tamil Nadu Medical Service by passing orders on the representation dated 19.04.2022 and further this Court may fix stipulated period to conduct the Special Qualifying Examination.

In all W.Ps.

For Petitioner : No appearance

For Respondents

For R1 to R3, R5 : Dr.T.Seenivasan

Special Government Pleader

For R4 : Mr.L.Murugavelu

COMMON ORDER

These writ petitions have been filed for direction to direct the respondents to conduct Special Qualifying Examination as per the notification dated 15.11.2021 for enabling the petitioner to get the benefits of a regular Medical Officer in the Tamil Nadu Medical Service on their representations dated 19.04.2022.



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2. The petitioner in all the petitions, after completion of their Post Graduate course, they had joined in the Tamil Nadu Medical Service under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules. After completion of two years of service, they are willing to continue in the government service and accordingly they are continuing in service as Specialist Assistant Surgeon. In order to get regularization of their services, they have to get qualified in the Special Qualifying Examination, which will be conducted every year.

3. As per the notification dated 15.11.2021, the Special Qualifying Examination was proposed to be conducted tentatively in the month of December, 2021. The government after considering the services of the Assistant Surgeon appointed under Rule 10(a)(i), curved out eligible candidates for the special qualifying examination, and accordingly published list of eligible candidates on 23.12.2021.

4. In the mean while National Eligibility Entrance Test (NEET) for Post Graduate and Super Specialty courses result was



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published and thereafter admission to Post Graduate and Super Specialty courses was in progress. As per the prospectus insofar as the service candidates are concerned, the candidates who have been temporarily appointed but not qualified through written examination conducted by the Tamil Nadu Public Service Commission/Medical Recruitment Board, and who have not completed two years of continuous service as on 31.03.2022, are not eligible to apply for Higher Specialty Course.

5. Therefore, the petitioners were made ineligible to apply, though they are already serving in Tamil Nadu Medical Service. They were denied permission to appear for two Medical Recruitment Board examination for medical service due to the said conditions. Therefore, they can get regularization only through special qualifying examination. They were also denied the right to attend transfer counselling to doctors who are not absorbed through Medical Recruitment Board.

6. However, the first respondent issued Government Order in G.O.Ms.No.571 dated 24.12.2020 to conduct special qualifying examination to the Medical Officers who were temporarily appointed in



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the Tamil Nadu Medical Services. As per the order of the first respondent, the respondents issued notification dated 15.11.2021. Accordingly, the online registration, payment and application submission were completed by the eligible list of doctors as early as on 30.11.2021. However, so far no examination was conducted by the respondents. Therefore, the petitioners made representation.

7. Heard the learned counsel appearing for the respondents and perused the material placed before this Court.

8. On perusal of the counter affidavit revealed that, Special Qualifying Examination for the post of Assistant Surgeon was conducted on 28.05.2022. Out of 762 applied candidates, 720 candidates have appeared for the Special Qualifying Exam and out 106 candidates, 103 candidates have appeared as per the interim order passed by this Court. Out of total 823 candidates, who appeared for the examination, the result of 103 candidates, who have been permitted to participate in the Special Qualifying Examination as per the interim order passed by this Court, are withheld and the same will be published as per the final orders to be



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passed by this Court in W.P.Nos.25652, 25696, 26525 of 2021. Further, the marks scored by the remaining 720 candidates were published in the Medical Recruitment Board website on 31.05.2022 and the same was communicated to the appointing authority on the same day. Insofar as the petitioners are concerned, they had written the Special Qualifying Exams and their results were already published.

9. Recording the above facts, all the Writ Petitions stand closed. There shall be no orders as to costs.

12.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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