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W.P. No. 18797 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 18797 of 2018

and

W.M.P. No. 22144 of 2018

Dr. P. Sarala Bai

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep., by its Principal Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai.

2.The Medical Council of India,
Sector – 8, Pocket-14, Dwarka,
New Delhi – 110 077.

3.The Director,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for records of the impugned Letter No.14097/B1/2018-1 dated 07.05.2018 issued by the first respondent herein and quash the same.

For Petitioner : Mr. C. Kanagaraj
For Respondents : Mr. K. Tippu Sulthan,
Government Advocate for RR1 & 3
Mrs. Shubharanjani for R2



W.P. No. 18797 of 2018

ORDER

This Writ Petition has been filed seeking a Writ of Certiorari to call for records of the impugned Letter No.14097/B1/2018-1 dated 07.05.2018 issued by the first respondent herein and quash the same.

2. The grievance of the petitioner is that the respondents are taking steps to disturb the Diploma holder Doctors working as Senior Residents in the concerned Department, which will cause irreparable loss to the petitioner.

3. During the course of hearing, the learned counsel appearing on either side submits that the issue involved in the present writ petition is squarely covered by order dated 22.08.2024 in W.P. No. 8823 of 2018 and placed a copy of the said order before the Court.

4. The relevant paragraphs in the said order are extracted herein under: -

“9. The learned Government Advocate appearing for the respondents 1 and 3 basing on the communication received by him vide Ref.No.72425/E3/1/2024, dated 06.08.2024 submits that the Government has formulated a Committee to examine the issue for accommodation of Diploma Doctors in Government Medical College Institutions and the Committee has reported that with reference to the claims of the Diploma qualified Doctors, who have served as a specialist in the absence of PG Degree Qualified candidates, the



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Committee recommends that Director of Medical Education and Research should ensure that they are given first preference in any post in that domain like Senior Resident in the same speciality in the same station provided that the same is not claimed by the PG Degree qualified doctors in the same speciality. In case of claims by Post Graduates, those speciality Seniors are to be allotted in the ratio of 50:50. It is also admitted that considering the contribution for the post of Junior Resident in such Institutions or posts which do not require any additional qualification in addition to MBBS, the Diploma Graduates may be given the first preference over and above any other category.

10. The learned Government Advocate further submits that basing on the report submitted by the Committee, the petitioner and other Diploma Doctors have been accommodated in the Government Medical Colleges and as such, the request of the petitioner and similarly situated persons have already been complied with. Hence, he requested that by recording the same, the Writ Petition may be disposed of.

11. Having considered the facts of the case and the specific contentions of the learned Government Advocate for the respondents 3 and 4 that the request of the petitioner and similarly situated persons, who are Diploma Doctors, have already been considered by the State Government basing on the report of the committee, in my considered view, no further detailed adjudication is required in the present Writ Petition.



W.P. No. 18797 of 2018

12. Accordingly, this Writ Petition is disposed of placing the contentions of the learned Government Advocate on record that the State Government has already considered the request of the petitioner.”

5. By following the order dated 22.08.2024 in W.P. No. 8823 of 2018, this Writ Petition is disposed of placing the contentions of the learned Government Advocate on record that the State Government has already considered the request of the petitioner.

6. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

29.10.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

1.The Principal Secretary,
Government of Tamilnadu,
Department of Health and Family Welfare,
Secretariat, Chennai.

2.The Medical Council of India,
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New Delhi – 110 077.

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BATTU DEVANAND, J.

AT

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