



W.P.No.27318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

**W.P.No.27318 of 2024 &
WMP.Nos.29813 and 29816 of 2024**

Dr. M. Rajkumar

Vs.

... Petitioner

1. National Board of Examinations in
Medical Sciences,
represented by its Section Officer
(Relocation)
Department of Training and Monitoring
Ansari Nagar, Mahatma Gandhi Marg,
New Delhi 110 029.
2. Directorate of Medical Education and
Research, represented by its Director,
Kilpauk, Chennai 600 010.
3. Selection Committee,
represented by its Secretary
Directorate of Medical Education and
Research, 162, Periya E.V.R.
High Road, Kilpauk, Chennai 600 010.
4. Government Medical College,
Ramanathapuram, represented by
its Dean, Kadampa Nagar, Ramanathapuram 623 503.
5. National Medical Commission,



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represented by its Secretary,
Pocket 14, Sector – 8, Dwarka Phase I,
New Delhi 110 077.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent contained in its e-mails dated 05.09.2024 and 06.09.2024 and to quash the same ad to consequently direct the respondents 1 to 3 to admit the petitioner to a Diplomate of National Board or a post graduate seat in General Surgery of his choice in a government medical college/hospital in the state of Tamil Nadu.

For Petitioner	: Mrs.Suhrith Parthasarathy
For Respondents	: Mr. R. Thirunavukkarasu for R1 Ms.M.Sneha for R2 and R3 Mr.E.Sundaram, GA for R4 Mrs.Shubharanjani Ananth for R5

ORDER

It is the case of the petitioner that the petitioner is a service Doctor who has completed M.B.B.S. For pursuing post graduate medical studies, he wrote NEET in the year 2023 and participated in the NEET-PG counselling



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for 2023-2024 academic year. Since he did not get a seat of his choice in the Post graduate counselling, being an in-service Doctor, he participated in the counselling for Diplomate of National Board (DNB) based on his NEET-PG ranking and in the said counselling, he was allotted a General Surgery Seat in the 4th respondent College. Pursuant to the same, he joined the said DNB Course in 4th respondent College on 13.10.2023 and currently, he has been pursuing the same.

2. Whiles, after completion of one year of DNB course, he received an e-mail on 05.09.2024 from the 1st respondent stating that due to non-grant of Accreditation in the specialty of General Surgery at 4th respondent/Government Medical College, Ramanathapuram, they have decided to relocate the ongoing trainees in the Specialty of General surgery and requested the petitioner to give atleast three choices in order of preference from the list of vacant seats available in the Specialty of General Surgery. In that e mail, it was also mentioned that mere submission of preference does not imply that the trainee shall be relocated to the place of



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his choice and the same would be subject to multitude of factors. Since, none of the choices offered by the 1st respondent were in the colleges/hospitals in the State of Tamilnadu, and the petitioner wanted to continue his service/training in the State of Tamilnadu, he submitted his grievance on the website of the 1st respondent on 05.09.2024 requesting to allow him to continue his course in the current institution on the ground that he could not joint any other hospital other than Tamilnadu as he has to take care of his elderly parents suffering from critical ailments.

3. Pursuant to this, he received another email from the 1st respondent on 06.09.2024, pointing out that no vacant seats were available against the in-service quota in the State of Tamil Nadu and it has also furnished a list of 18 institutions from All India seats asking him to provide his priority.

4. It is the grievance of the petitioner that he secured his DNB seat through the state quota counselling which is completely reserved for in-service Doctors and on the basis of which, he should be granted a DNB or PG seat of his choice in Government Medical College at the State of



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Tamilnadu. Whereas, in the list of available vacant seats furnished by the 1st respondent, only five options were given in the State of Tamilnadu and none of these seats were in Tamil Nadu Government Medical Colleges/Hospitals. Therefore, left with no other alternative, he filed the present writ petition with the aforesaid prayed.

5. Learned counsel for the petitioner submitted that for no fault on the petitioner, his DNB General Surgery course is being discontinued and he was being forced to relocate outside the Tamilnadu State or to a private institution. The petitioner is an in-service Doctor, served in the Tamilnadu Medical Service for 7 years. As the petitioner secured his DNB seat through state quota counselling completely reserved for in-service Doctors, he should be granted a DNB or PG seat of his choice in a Medical College at Tamilnadu itself.

6. He further submitted, on instructions from his client that the petitioner wants to join Meenakshi Mission Hospital and Research Centre, Lake Area, Melur Road, Madurai, Tamilnadu, which is placed under Serial



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No.16 of the list of available vacant All India Seats and accordingly, this court may issue a direction to the 1st respondent to permit him to join Meenakshi Mission Hospital and Research Centre, Lake Area, Melur Road, Madurai, Tamilnadu along with all facilities provided for in-service Doctors for completion of his DNB course.

7. The learned counsel appearing for the 1st respondent has no hesitation or objection for giving such direction.

8. Considering the facts and circumstances of the case, since Government Medical College, Ramanathapuram was not granted accreditation in the specialty of General Surgery, in which, the petitioner is pursuing his DNB course and the petitioner is opted his choice to join Meenakshi Mission Hospital and Research Centre, Lake Area, Melur Road, Madurai, Tamilnadu, which was listed under serial No.16 of available vacant All India Seats furnished by the 1st respondent to pursue his DNB course, the 1st respondent is directed to permit the petitioner to join Meenakshi Mission Hospital and Research Centre, Lake Area, Melur Road,

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Madurai, Tamilnadu, to complete his DNB course. The 1st respondent shall provide all the facilities and benefits which are available and applicable to petitioner on par with other in-service Government Doctors. The 2nd respondent/The Directorate of Medical Education and Research is directed to ensure all such facilities applicable to the other in-service Doctors shall also be given to petitioner till his completion and after completion of DNB course in Meenakshi Mission Hospital and Research Centre, Lake Area, Melur Road, Madurai, Tamilnadu.

9. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index: yes/no
Internet:yes/no
msr

To

1. The Section Officer
(Relocation),
The National Board of Examinations in
Medical Sciences,

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Department of Training and Monitoring
Ansari Nagar, Mahatma Gandhi Marg,
New Delhi 110 029.

2. The Director,
Directorate of Medical Education and
Research, represented
Kilpauk, Chennai 600 010.
3. The Secretary,
Selection Committee,
Directorate of Medical Education and
Research, 162, Periya E.V.R.
High Road, Kilpauk, Chennai 600 010.
4. The Dean, Government Medical College,
Ramanathapuram,
Kadampa Nagar, Ramanathapuram 623 503.
5. The Secretary, National Medical Commission,
Pocket 14, Sector – 8, Dwarka Phase I,
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M. DHANDAPANI, J.

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