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W.P.No.32145 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
W.P.No.32145 of 2024

Dr.P.Arul Varman MD.,
Associate Professor,
Dept. of Psychiatry,
Indira Gandhi Medical College
and Research Institute
(A Govt. of Puducherry Institution),
Puducherry - 605009.

...Petitioner

Vs

1.The Secretary,
National Medical Commissioner (NMC),
Pocket -14, Sector -B,
Dwarka Phase-1,
New Delhi-110077.

2.The Director (i/c),
Indira Gandhi Medical College
and Research Institute
(A Govt. of Puducherry Institution),
Vazhoduvar Road, Kathirkamam,
Puducherry-9.
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to



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consider the petitioner's representation dated 07.08.2024 on merits and in accordance with law.

For Petitioner : Mr.Stalin Abhimanyu
For Respondents : Ms.S.Akshaya for R1
Standing Counsel
Mr.A.Tamilvanan for R2
Additional Government Pleader (Pondy)

ORDER

The petitioner has filed this writ petition to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 07.08.2024 on merits and in accordance with law.

2. The case of the petitioner is that the petitioner is currently working as an Associate Professor in Indira Gandhi Medical College and Research Institute (IGMC&RI), Kathirkamam, Puducherry. As per National Medical Commission norms, three short listed candidates are not eligible to be appointed as Professor due to the fact that all three shortlisted candidates have submitted their Declarations forms and Standard Assessment Forms (in short 'SAF') in their respective medical colleges in the months of March and April, 2024, making them ineligible for the academic year 2023-24 which would affect the petitioner's



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promotional avenue, as he is fully eligible to be promoted. Hence, the petitioner made a representation on 07.08.2024 to the 1st respondent, but no action has been taken by the 1st respondent till date. Hence this petition.

3. Mr.Stalin Abhimanyu, learned counsel for the petitioner would submit that the interview for the post of Professor was conducted on 26.06.2024 vide notice of IGMC & RI dated 14.06.2024 and the results were declared on 19.07.2024 and the selected candidates were joined on 20.07.2024 which were completely against NMC rules and Rules of Recruitment notification, because all three candidates have presented themselves for NMC assessment for the academic year 2023-24 and the academic year 2024-25. Hence, all the three candidates are ineligible to be considered for appointment. Moreover, as per the directions of Medical Assessment and Rating Board (MARB), NMC notice N-19011/11/2023/Assessment cell/MARB/8244596 dated 24.04.2024, it was informed to all the institutions that the compliance report and SAF for both UG and PG courses received after 30.04.2024 shall not be processed for the A.Y 2024-25. Therefore, it is pertinent to note that all the three shortlisted candidates are not eligible to be counted in



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IGMC&RI for the academic year 2024-25, since they had submitted the SAF in their respective colleges. In this regard, the petitioner made a representation dated 07.08.2024 to the 1st respondent.

4. Learned counsel appearing for the respondents would submit that the representation of the petitioner will be considered by the respondents on its own merits and in accordance with law, within the time fixed by this Court.

5. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 1st respondent to consider the representation of the petitioner dated 07.08.2024 on merits and in accordance with law and pass a speaking order within a period of eight(8) weeks from the date of receipt of copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

03.12.2024

Index:Yes/No
Speaking order/Non-speaking order
msv



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V.BHAVANI SUBBAROYAN,J.

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