



W.P.(MD)No.14914 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14914 of 2024 &
W.M.P.(MD)Nos.13088, 13089 & 13090 of 2024

S.Saran Karthik,
Senior Resident Orthopaedics,
AIIMS, Madurai,
Ramanathapuram

... Petitioner

vs.

- 1.The Union of India,
Represented by its Secretary to Government,
Ministry of Health and Family Welfare,
Room No.201-D, Nirman Bhawan,
New Delhi - 110 0110
- 2.The State of Tamil Nadu,
Represented by its Principal Secretary to Government
Health and Family (MCA-1) Department,
Fort St.George, Chennai - 600 009
- 3.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
- 4.Medical Services Recruitment Board (MRB)
Represented by its Chairperson,
7th Floor, DMS Buildings, 358,
Anna Salai, Teynampet,
Chennai - 600 006



W.P.(MD)No.14914 of 2024

5. The Member Secretary,
The Medical Services Recruitment Board,
7th Floor, DMS Building, 359,
Anna Salai, Teynampet,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd Respondent vide his proceedings in G.O.(Ms) No.371 Health and Family Welfare (B1) Department dated 18.11.2023 and the consequential impugned order passed by the 5th respondent in Notification No.01/MRB / 2024 dated 15.03.2024 and the consequential impugned circular issued by the 3rd respondent vide his proceeding in Ref. No. 81353/ME2/3/2024-NSPG dated 02.04.2024 and quash the same as illegal in so far as not awarding the Covid incentive marks to the Medical Officers worked in Deemed / Private Medical College Hospitals is concerned and consequentially to direct the respondents 2 to 5 to award Covid incentive marks to the medical Officers worked in the Deemed / Private Medical College Hospitals within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.T.Amjadkhan,
Government Advocate
for R2 and R3



W.P.(MD)No.14914 of 2024

Mr.G.Thalaimutharasu
Standing Counsel for R1

Mrs.Sneha
Standing Counsel for R4 and R5

ORDER

Heard Mr.Ajmal Khan, learned senior counsel appearing for the petitioner, Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 2 and 3, Mr.G.Thalaimutharasu, learned Standing Counsel for the first respondent and Mrs.Sneha, learned Standing Counsel for the respondents 4 and 5.

2. The petitioner has filed this writ petition seeking to quash the Government order issued by the second respondent in G.O.(Ms) No.371 , Health and Family Welfare (B1) Department, dated 18.11.2023, the consequential notification of the fifth respondent in Notification No. 01/MRB/2024 dated 15.03.2024 and the consequential circular issued by the third respondent in Ref.No.81353/ME2/3/2024-NSPG, dated 02.04.2024, in so far as not awarding the Covid incentive marks to the Medical Officers who worked in Deemed / Private Medical College



W.P.(MD)No.14914 of 2024

WEB COPY

Hospitals and consequentially direct the respondents 2 to 5 to award Covid incentive marks to them within a stipulated time.

3. The petitioner is a Doctor who has rendered services at Chettinad Hospital & Research Institute (Deemed University) Kelambakkam, Chennai - 603 103 during Covid-19 pandemic. At the relevant point of time, the petitioner was doing his P.G. Course in the said Hospital.

4. Subsequent to the Covid-19 pandemic, the Government has issued a Government Order in G.O.Ms.No.278, Health and Family Welfare (B1) Department, dated 17.08.2023 by recognizing the remarkable services rendered by the temporary Doctors of the Government Hospital during the Covid-19 pandemic and allowed them incentive marks which can be utilized for the recruitment to the post of regular Assistant Surgeon by the Medical Services Recruitment Board (MRB).



W.P.(MD)No.14914 of 2024

WEB COPY

5. Some of the P.G. Medical Students who have worked during the Covid-19 pandemic in their respective Government Hospitals have challenged the said Government Order claiming that issuing weightage marks only to the Doctors who have served in the Hospital during Covid-19 pandemic is discriminatory. After elaborate hearing, the Division Bench of the Principal Seat of this Court has passed an order dated 16.11.2023 in W.P.Nos.25827, 25785 and 27568 of 2023 by holding that the Government Order in G.O.Ms.No.278, Health and Family Welfare (B1) Department, dated 17.08.2023 issued to the benefit of the Medical Officers who have rendered their services in the Government Hospitals during Covid-19 pandemic is valid and a direction was issued to issue a similar Government Order to recognize the services of the P.G. Medical Students who have rendered their services in the Government Hospital during the Covid-19 pandemic. In consequence, the Government has issued another Government Order in G.O.Ms.No.371, Health and Family Welfare (B1) Department, dated 18.11.2023 awarding incentive marks to the P.G. Medical Students.



W.P.(MD)No.14914 of 2024

WEB COPY

6. Now, this petitioner has filed this petition stating that the Government Order in G.O.(Ms)No.371, Health and Family Welfare (B1) Department, dated 18.11.2023 is a disparity between the two similarly interested persons who were holding the same qualification and have rendered their services during Covid-19 pandemic.

7. It is learnt that pursuant to the petitioner's representation dated 16.04.2024, the first respondent has forwarded the same to the second respondent vide proceedings dated 29.04.2024 to consider the same and pass orders. So far, the second respondent has not considered the representation and no orders have been passed in this regard. Since the direction of the first respondent itself has not been complied, I feel it is appropriate to direct the second respondent to comply with the direction of the first respondent and consider the representation of the petitioner and pass orders.

8. So far as the prayer challenging the Government Order in G.O.(Ms)No.371, Health and Family Welfare (B1) Department, dated



W.P.(MD)No.14914 of 2024

WEB COPY

18.11.2023 is concerned, that forms part of the earlier order dated 16.11.2023 in W.P.Nos.25827, 25785 and 27568 of 2023 which held that the Government Order in G.O.Ms.No.278, Health and Family Welfare (B1) Department, dated 17.08.2023 as good. In fact, the Government Order in G.O.Ms.No.278, Health and Family Welfare (B1) Department, dated 17.08.2023 has also been issued only by recognizing the services of those Doctors who rendered their services in the Government Hospital during Covid-19 pandemic. Hence, in my view, the same logic is applicable to the weightage marks allotted to the P.G. Medical Students who rendered their services in the Government Hospitals during the Covid-19 pandemic and that part of the prayer in this writ petition is not allowed.

9. In view of the above observations, the writ petition is **disposed of** and the second respondent is directed to consider the representation of the petitioner dated 16.04.2024 as per the direction of the first respondent vide proceedings dated 29.04.2024 and pass appropriate orders within a period of four weeks from the date of receipt



W.P.(MD)No.14914 of 2024

WEB COPY

of a copy of this order. No costs. Consequently, connected

Miscellaneous Petitions are closed.

08.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

mbi

To

- 1.The Principal Secretary to Government
Health and Family (MCA-1) Department,
Fort St.George, Chennai - 600 009
- 2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.



WEB COPY



W.P.(MD)No.14914 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.14914 of 2024

08.07.2024