



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) Nos.6128 of 2020

and

W.M.P (MD) Nos.5317 and 5318 of 2020

WEB COPY

Dr.V.Deepika Lincy

... Petitioner

Vs.

The Secretary,
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to award incentive marks for the service rendered by the petitioner in rural area as per G.S.Ms.No.86, Health and Family Welfare (MCA-1) Department, dated 06.03.2019 as enunciated under clause 16 of the prospectus for Admission to Postgraduate Degree/Diploma Courses for the year 2020-2021 and thereby revise the petitioner's mark and rank for admission to the Postgraduate Degree/Diploma Courses for the year 2020-2021

For Petitioner : Mr. K.Gurunathan,
for Mr.G.Thalaimutharasu

For Respondent : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

The petitioner Dr.V.Deepika Lincy, now working as an Assistant Surgeon in a Hospital on Wheel Programme in Pudukottai Block at Thoothukudi, had applied for postgraduation. After completion of the Central Government Counselling, now the State Government Counselling is scheduled to commence from 30.04.2020 (tomorrow). The petitioner has filed the present writ petition, in the nature of a mandamus seeking a direction to award incentive marks, for, according to the petitioner, her service already rendered in rural area namely at Lourdhammalpuram Primary Health Centre at Thoohtukudi.

2.The petitioner claims this relief on the basis of G.O.Ms.NO.86, Health and Family Welfare (MCA-1) Department, dated 06.03.2019, which had also been reiterated, according to the petitioner, in clause 16 of the prospectus for admission to Postgraduation degree for the year 2020-2021. The petitioner seeks revision of marks by including necessary incentive marks for working at the aforesaid place, which according to the petitioner is rural service and thereafter grant her necessary weightage during the counselling process for admission to the postgraduation degree for



the year 2020-2021.

3. According to the petitioner, she had joined the Government service as Assistant Surgeon on 26.02.2014 at Lourdhammalpuram Primary Health Centre in Pudukottai Block in Thoothukudi District. The said Primary Health Centre was a rural centre at the time of her joining. This fact has been seriously questioned by the learned Special Government Pleader, who claims that the petitioner had only served for a period seven months in the rural area and therefore, she cannot claim any incentive marks for working at rural centre. The petitioner had also in this connection given a representation on 18.03.2020. Unfortunately, the respondent has not replied to the said representation.

4. This is an issue regarding admission to the postgraduation course in medical department. This is a specialised course. Anybody who deserves to get into the said course should be favourably looked upon. However, whether the petitioner has necessary qualifications by virtue of working in rural area or not is an issue, which the respondents alone can clarify. For that purpose it would only be appropriate that the petitioner is directed to attend the counselling, which commences from 30.04.2020 (tomorrow) and is scheduled to go on for next at least 3 to 4 days. In the meanwhile, the respondent is directed to answer the representation already given by the petitioner on 18.03.2020 and give necessary explanation to either grant of incentive or denial of incentive. For either of the two options, the respondent must give reasons. If the respondent considers the grievances in favour of the petitioner, then the entire issue will come to a happy end. If the authorities feel that the petitioner is not entitled for incentive mark, then necessary reasons must be given to the petitioner, based on G.O.Ms.NO.86, Health and Family Welfare (MCA-1) Department, dated 06.03.2019 and its annexures.

5. The petitioner should attend the counselling on 30.04.2020 (tomorrow). The respondent must give a reply to the petitioner by e-mail on or before 3.00pm on 30.04.2020. The petitioner may, in accordance with the reply given, work out her further remedy as deemed proper.

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Note: Due to Covid-19 pandemic this order copy may be treated as true copy.

WEB COPY

To
The Secretary, Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai.

dsk

W.P (MD) Nos.6128 of 2020

SMA/29/04/2020/3P/2C

29.04.2020