



ABSTRACT

WRIT PETITION – W.P.Nos.8071 of 2019 and others filed by Dr. Thanveer Ahamed and others before the High Court of Madras with a prayer to include certain areas for getting incentive marks – Judgement delivered – Complied with - Orders – Issued.

HEALTH AND FAMILY WELFARE (MCA-1) DEPARTMENT

G.O. (Ms.) No.152

Dated:29.04.2019

விகாரி வருடம்,
சித்திரை மாதம் 16-ம் நாள்
திருவள்ளூர் ஆண்டு 2050

Read

1. G.O.(Ms.) No.536, Health & Family Welfare Department, dated 15.11.2018.
2. G.O.(Ms.) No.562, Health & Family Welfare Department, dated 06.12.2018.
3. From the Additional Director of Medical Education / Secretary, Selection Committee, Officer of the Director of Medical Education and Member Secretary of the Committee, letter Ref. No. 5229 / SCS II (1) / 2018, dated 13.02.2019 and 04.03.2019.
4. G.O.(Ms) No.86, Health and Family Welfare Department, dated 06.03.2019.
5. Common orders of the Hon'ble High Court of Madras dated 27.03.2019 in W.P. Nos. 8071,8254,8318 and 8474 of 2019.
6. Orders of the Hon'ble High Court of Madras dated 29.03.2019 in W.A. No. 1161 of 2019.
7. From the Additional Director of Medical Education / Secretary, Selection Committee, letter Ref. No. 5229 / SCS II (1) / 2018, dated 08.04.2019.

ORDER :-

In Government order first read above, the Government have constituted a Committee under the Chairmanship of Hon'ble Justice Thiru A. Selvam, (Retd.), High Court of Madras, to identify remote / difficult / rural areas for awarding incentive marks to the in-service Medical Officers for the admission to Post Graduate Degree / Diploma Courses from academic year 2019 – 2020 based on the orders of High Court of Madras passed in W.A.No.1051 of 2018, dated 17.5.2018. Accordingly, the Committee has submitted its report to Government through the Member Secretary of the Committee in their letter third read above.

2. The Government have examined the report of the Committee and decided to accept the same. Accordingly, in G.O. fourth read above the Government have issued orders to award incentive marks to the in-service candidates for their service rendered in the remote / difficult / rural areas for admission to Post Graduate Medical Courses by considering their working places.

3. Against the above orders of the Government, various Writ Petitions have been filed before Hon'ble High Court of Madras. The details of the writ petitions and their prayers are as follows:

Sl. No.	Case Nos.	Petitioners Name	Prayers
1.	8071 of 2019	Dr. Thanveer Ahamed	To reclassify the Aravatla Primary Health Centre in the Nariampattu Block, Tirupathur Health Unit district as difficult area in plains
2.	8254 of 2019	Dr. C.Adithyan	To include the Eduthavainatham Government Primary Health Centre under classification of 'difficult area in plains'
3.	8318 of 2019	Dr. Athish Pranav and 7 others	To admit the petitioner and all other candidates in PG Degree / Diploma course for the academic year 2019-2020 based on their NEET marks.
4.	8474 of 2019	Dr. S. Sasipriya	To include the Kunnavakkam Govt. Primary Health, Chengalpattu HUD under classification of 'difficult area in plains'

4. On its common orders fifth read above, the Hon'ble High Court of Madras has ordered as follows:

"27. As the tentative date of rank list has to be published on 31.03.2019, in the absence of any grave error said to have been committed by the Committee in categorization, the same need not be disturbed for the current Academic Year 2019-2020. However, this Court is of the considered view that, in the interest of the future P.G. Medical Courses aspirants, the following directions are required to be issued :

(i) The impugned G.O.86, dated 06.03.2019, can be revisited by the Committee, if any representation has already been received or may be received on or before 31.05.2019 from the stakeholders.

(ii) Every stakeholder interested in the re-classification of the areas can submit their representations on or before the said date, i.e., 31.05.2019 before the said Committee.

(iii) *The Committee is directed to consider all the objections received scrupulously and wherever changes are required, the same may be made in terms of the guidelines laid down by the Hon'ble Supreme Court. The said exercise has to be completed on or before 31.07.2019.*

(iv) *The final report of the Committee and the consequential order may be put in the public domain. The intimation placing the same in the public domain shall also be published in popular English and Vernacular dailies immediately thereafter. This is to avoid eleventh hour challenge by the persons aggrieved, so that the litigious Doctors could find a solution one way or the other well in advance without causing much inconvenience to the Selection Committee at the wee hours. It is made clear that the re-classification, if any, made by the Committee and the Government will have no retrospective effect for the current Academic Year 2019-2020.*

(v) *Once the list is drawn and published, unless and otherwise, there is any development or improvement with respect to any particular area, which requires re-classification, the same may be continued for a period of at least three years.*

(vi) *As and when any particular area is released out of the list for any reason, the same may also be made known to all by putting the same in public domain and information about the same shall also be published in popular English and Vernacular dailies immediately thereafter.*

28. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed."

5. Against the above orders of the Hon'ble Court, one Dr. Thanveer Ahmed has filed a Writ Appeal (W.A. No.1161 of 2019) before the Division Bench of Hon'ble High Court of Madras. In its orders sixth read above, the Hon'ble High Court of Madras has dismissed the same.

6. In the letter seventh read above, the Additional Director of Medical Education / Secretary, Selection Committee has stated that to comply with the orders of the Hon'ble High Court of Madras in above Writ Petitions, he has felt that notification should be published in public domain to call for representations from the various stake holders interested in the re-classification of the areas till 31.05.2019. After receiving representations from the stake holders, the committee has to consider all the representations and may make changes wherever required in terms of the guidelines laid down by the Hon'ble Supreme Court of India. Hence he has requested the Government to issue necessary guidelines in this regard and to extend the terms of the Committee till 31.07.2019 to complete the above said exercise.

7. The Government have examined the proposal of the Additional Director of Medical Education / Secretary, Selection Committee in the light of the orders of the

Hon'ble High Court of Madras and decided to implement the orders of the Hon'ble Court. Accordingly, the Government have do and hereby direct that the term of the Committee under the Chairmanship of Hon'ble Justice Thiru A. Selvam, (Retd.), High Court of Madras be extended till 31.07.2019, in compliance with directions of the Hon'ble Court in its orders dated 27.03.2019 in para 27(i) to (iii) and to submit the report and recommendations of the Committee to Government on or before 31.07.2019, so as to enable the Government to implement the remaining parts of the orders of the Hon'ble Court in para 27 (iv) to (vi).

8. The Government directs the Member Secretary of the Committee the Secretary, Selection Committee, Office of the Director of Medical Education / Additional Director of Medical Education to issue necessary notification in public domain to call for representation from the stake holders on classification of the areas for awarding incentive marks to inservice candidates in admission to Post Graduate Degree / Diploma Courses as provided under Clause 9 (4) of the Post Graduate Medical Science Regulation 2000 till 31.05.2019 and complete the entire process before 31.07.2019 as stipulated by the Hon'ble Court, as mentioned at para 7 above.

(BY ORDER OF THE GOVERNOR)

BEELA RAJESH
SECRETARY TO GOVERNMENT

To

Hon'ble Thiru. Justice A. Selvam,

39, Karpaga Nagar, Pudukottai - 622 003.

The Managing Director, Tamil Nadu Medical Services Corporation, Chennai-600 008.

The Director of Public Health and Preventive Medicine, Chennai-600 006.

The Director of Medical Education, Chennai-600 010.

The Director of Medical and Rural Health Services, Chennai-600 006.

The Additional Director of Medical Education

/ Secretary, Selection Committee, Chennai-600 010.

The Pay and Accounts Officer, Chennai- 600 035.

The Accountant General, Chennai - 600 018.

Copy to :-

The Chief Minister's Office, Chennai-600 009.

The Special Personal Assistant to Hon'ble Minister(Health and Family Welfare)

Chennai - 600 009.

The Department of Economics and Statistics,

No.259, Block II, DMS Campus, Chennai - 600 006.

The Registrar, Anna University, Chennai-600 025.

The Registrar, Madras University, Chennai-600 005.

The Health & Family Welfare (Data Cell) Department, Chennai - 600 009.

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// FORWARDED / BY ORDER //

Beela Rajesh
29/4/19
SECTION OFFICER

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29/4/19