

Notification No.01/SCS II(I)/PG Deg/Dip/2018

Selection Committee,
Director of Medical Education,
Kilpauk, Chennai
Dated :04.12.2018

Sub: Committee- Committee 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 the academic year 2019-2020 based on the orders of the Hon'ble High Court of Madras dated 17.05.2018 in W.A. No. 1051 of 2018 – constituted – Orders – Issued .

Ref: G.O. (Ms.)No.536 ,Health and Family Welfare (MCA-1) Department, dated 15.11.2018

The Government Order in the reference cited, is herewith uploaded in the official Web sites www.tnhealth.org / www.tnmedicalselection.org.



Additional Director of Medical Education/Secretary



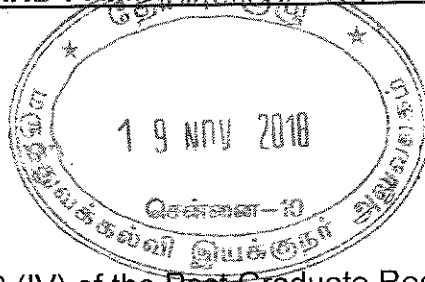
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ABSTRACT

Committee –Committee 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 the academic year 2019 – 2020 based on the orders of the Hon'ble High Court of Madras dated 17.05.2018 in W.A. No. 1051 of 2018 – Constituted - Orders – Issued.

HEALTH AND FAMILY WELFARE (MCA-1) DEPARTMENT

G.O.(Ms.) No.536



Dated : 15.11.2018
Thiruvalluvar Aandu 2049
Vilambi, Ippasi – 29

Read :

1. Regulation 9 (IV) of the Post Graduate Regulations 2000.
2. G.O.(Ms.) No.466, Health and Family Welfare (MCA.1) Department, dated 11.12.2017.
3. G.O.(Ms.) No.75, Health and Family Welfare (MCA.1) Department, dated 09.03.2018.
4. G.O.(Ms) No.96, Health and Family Welfare (MCA.1) Department, dated 23.03.18.
5. G.O.(D) No.411, Health and Family Welfare(MCA.1) Department, dated 15.03.18
6. G.O.(Ms.) No. 185, Health and Family Welfare Department, dated 17.05.2018.
7. Orders of the Hon'ble High Court of Madras dated 17.05.2018 in W.A. No. 1051 of 2018.

ORDER :-

In the regulation of the Medical Council of India, the Medical Council of India has amended the Regulation 9 (IV) of the Post Graduate Medical Education Regulation 2000 by introducing proviso to Para – IV and Para-VII. Para-IV and Para-VII as amended read as under:-

“(IV)The reservation of seats in Medical Colleges/institutions for respective categories shall be as per applicable laws prevailing in States/Union Territories. An all India merit list as well as State-wise merit list of the eligible candidates shall be prepared on the basis of the marks obtained in National Eligibility-cum-Entrance Test and candidates shall be admitted to Postgraduate Courses from the said merit lists only.

Provided that in determining the merit of candidates who are in service of Government/Public Authority, weightage in the marks may be given by the Government/Competent Authority as an incentive upto 10% of the marks obtained for each year of service in remote and/or difficult areas or Rural areas upto maximum of 30% of the marks obtained in National Eligibility-cum Entrance Test. The remote and/or difficult areas or Rural areas shall be as notified by State Government/Competent authority from time to time.”

2. There were multiple number of cases filed by different sections of Doctors against the scheme for awarding incentive marks for the service Doctors for admission to the Post Graduate / Diploma courses during the year 2017-18. In Government order 2nd read above, the Government have constituted, a High Level Committee under the Chairmanship of Dr. P. Umanath, IAS., Managing Director, Tamil Nadu Medical Service Corporation Limited, Chennai for identifying the areas, which are remote, difficult and rural for giving incentive marks to the in-service Medical Officers. Accordingly, the Committee after detailed examination, submitted its report along with specific recommendation for awarding incentive marks to the inservice Medical Officers who are working in remote and / or difficult areas or rural areas.

3. In the Government order third read above, orders were issued accepting the recommendation of the Committee and incorporating the list of places for each category furnished by the Director of Medical Education / Director of Medical and Rural Health Services / Director of Public Health and Preventive Medicine as recommended in the report of the Committee. Subsequently, an amendment has also been issued vide Government order forth read above.

4. Aggrieved with the Government orders third, fourth and fifth read above, Dr. Pravin and others have filed a batch of Writ Petitions (W.P. Nos. 7231, 7857 to 7861, 8116, 8117, and 8442 of 2018) before the Hon'ble High Court of Madras with a prayer to quash the said Government orders and to extend the benefit for giving incentive marks to the petitioners' Medical College also.

5. In its common orders dated 18.4.2018 in Writ Petitions (W.P. Nos. 7231, 7857 to 7861, 8116, 8117, and 8442 of 2018), the Hon'ble High Court of Madras has ordered among others as follows:-

34. 'Doctor' profession is one of the noblest professions, apart from Teaching and Law, and Doctors must ensure that their services are available to the needy and that they must try to get accommodation in Post-graduate Medical Courses, de hors grant of incentive marks. However, in the light of the decisions of the Supreme Court in Dr.Narendra Soni's case, Amit Bagra's case and taking into account the flaws of the Committee in the identification of remote/difficult areas, the Government Orders in question are liable to be interfered with and accordingly, both the Government Orders, vide G.O.(Ms) No.75, Health and Family Welfare (MCA-1) Department, dated 09.03.2018 and G.O.(Ms) No.96, Health and Family Welfare (MCA-1) Department, dated 23.03.2018 are declared to be illegal. I am of the view that the Respondent/State should redo the exercise in identifying remote/difficult areas in a proper perspective, in consultation with the Expert Committee.

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37. In the result, Writ Petitions in W.P.Nos.7231 of 2018, W.P.Nos.7857 to 7861 of 2018 and W.P.Nos. 8116 and 8117 of 2018 are allowed with the above direction(s) and observation(s) and W.P.No.8442 of 2018 is disposed of with the above observation. No costs."

6. Against the above orders of the Hon'ble High Court of Madras, the Government have filed a Writ Appeal (W.A. Nos. 1051 of 2018 and others) before the Hon'ble High Court of Madras. In its common order dated 17.5.2018, the Hon'ble High Court of Madras, among others, has passed the orders as follows:

"37. In view of the above, the Government is directed to complete the process of selection of medical Post Graduate Degree / Diploma Course in the medical education and proceed with the admission as indicated in the schedule for the academic year 2018-19. It is made clear that the weightage (incentive) by way of additional marks ought not to be extended to A3 category which as per the earlier conclusion, is not entitled to such benefit.

38. In the result, the Writ Appeals are partly allowed, the judgment of the learned single Judge is modified and the Writ Petitions are accordingly disposed of on the aforesaid terms. No costs. Consequently, all connected CMPs are closed.

39. Before parting with these appeals, we also take note of certain concerned reservations expressed by the parties and the manner in which the areas identified by the Committee disregarding certain directions issued by the Hon'ble Supreme Court of India. In each time of such identification and categorization takes place, it is always put to challenge by the aggrieved section who were omitted to be included or section which is held not entitled and the admission process gets completely derailed every academic year. In such event, the Courts are forced to pass orders more on the basis of expediency only to protect the interest of the public at large. In order to avoid such recurrence in future towards categorization of Doctors who are employed in remote, difficult and rural areas for the purpose of benefit of additional weightage as envisaged in proviso to Sub-clause IV of Regulation 9, it is suggested that the Committee of experts may be headed by a retired Judge of the High Court. This is more so, when repeatedly such identification or categorization is put to challenge in the legal forum, so that the experts who are part of the Committee, will have the benefit of legal acumen from the Judge concerned while making the recommendations for identifying the areas in tune with the proviso to Sub-clause IV of Regulation 9 and also in line with the directions of the Hon'ble Supreme Court of India and other High Courts. We do hope that the Government bear this in mind while constituting any further Committee/s for future academic years in respect of admissions to Post Graduate Degree / Diploma courses."

7. As per the orders of the Hon'ble Court, necessary amendments were issued vide Government order sixth read above by excluding the category-A3 from the Government Order third read above.

8. Further, the Government have examine the suggestion of the Hon'ble High Court of Madras in the said Writ Appeal to constitute a Committee headed by a retired High Court Judge for identifying the remote, difficult and rural areas for the purpose of awarding incentive marks to the in-service Medical Officers for getting

admission in the Post Graduate Degree Courses from the academic year 2019-2020 and decided to accept the same. Accordingly the Government do and hereby direct that a Committee be constituted under the Chairmanship of a retired High Court Judge along with the following officials as members for identifying the remote, difficult and rural areas for the purpose of awarding incentive marks to the in-service Medical Officers for getting admission in the Post Graduate Degree Courses from the academic year 2019-2020:-

1)	Hon'ble Thiru Justice A. Selvam, High Court of Madras, Chennai	-	Chairman
2)	The Managing Director, Tamil Nadu Medical Services Corporation, Chennai-8	-	Member
3)	The Director of Medical Education, Chennai-10	-	Member
4)	The Director of Medical and Rural Health Services, Chennai-6	-	Member
5)	The Director of Public Health and Preventive Medicine, Chennai-6	-	Member
6)	One Demography expert from the University of Madras / Anna University / Department of Statistics as decided by the Chairman	-	Member
7)	Additional Director of Medical Education / Secretary, Selection Committee, O/o. the Director of Medical Education, Chennai-10	-	Member Secretary Convener

9. The Terms of Reference for the Committee shall be as follows :-

- a. The Committee can get suggestions from the Head of Departments, Tamil Nadu Government Doctors Association and other Associations and interested stake holders on finding out the remote / difficult / rural areas for awarding incentive marks to the service Doctors in the said areas in consonance with the Medical Council of India's Post Graduate Regulations.
- b. The Committee would give the report / recommendations, for identifying the remote / difficult / rural areas for awarding incentive marks to Service Doctors to Government within a month's time.
- c. The Director of Medical Education / Director of Medical and Rural Health Services / Director of Public Health and Preventive Medicine are directed to provide the required details. The Director of Medical Education/Selection Committee make necessary arrangements for convening the meeting from time to time.

- d. For the Secretarial work and other assistance needed to the Chairman of the Committee, will be done by the Director of Medical Education/Selection Committee.
- e. The Committee can be a first class Committee for the purpose of Travelling Allowance / Daily Allowance and sitting allowance and that all the expenses shall be charged under the Personal Deposit account of the Selection Committee including the manpower to be provided for the Committee.

10. The Director of Medical Education / Director of Medical and Rural Health Services / Director of Public Health and Preventive Medicine are directed to provide the required details and make necessary arrangements for convening the meeting from time to time.

11. This order does not require the concurrence of Finance Department vide G.O. (Ms) No. 519, Finance (Salaries) Department, dated : 29.09.1997.

(BY ORDER OF THE GOVERNOR)

J. RADHAKRISHNAN
PRINCIPAL 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 for Health & 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.
Stock File / Spare Copy.

// FORWARDED / BY ORDER //

Longhi
16/11/18
SECTION OFFICER