



ABSTRACT

Medical Education - Awarding of 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 – Orders issued - Amendment - Orders – Issued.

HEALTH AND FAMILY WELFARE (MCA-1) DEPARTMENT

G.O. (Ms.) No.423

Dated: 26.09.2019

விகாரி வருடம்,
புரட்டாசி மாதம் 09-ம் நாள்
திருவள்ளூர் ஆண்டு 2050

Read:

1. G.O.(Ms) No.86, Health and Family Welfare (MCA-1) Department, Dated 06.03.2019.
2. Orders of the Hon'ble High Court of Madras dated 27.03.2019 in W.P. Nos.8071, 8254, 8318 and 8474 of 2019.
3. Orders of the Hon'ble High Court of Madras dated 29.3.2019 in W.A.No.1161 of 2019.
4. G.O.(Ms) No.114, Health and Family Welfare (MCA-1) Department, Dated 29.03.2019.
5. 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 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 by classifying the institutions into five categories, based on the recommendation of the Committee headed by Hon'ble Justice Thiru. A. Selvam, (Retd.), High Court of Madras. The details of incentive marks earmarked to the in-service Medical Officers are as follows:-

- | | |
|--|--------------------------|
| 1. Difficult Areas in Hills | - 10 % of marks per year |
| 2. Difficult Areas in Plains | - 9 % of marks per year |
| 3. Remote Area | - 8 % of marks per year |
| 4. Rural Areas | - 5 % of marks per year |
| 5. Urban Areas (Municipal / Corporation Areas) | - No incentive marks |

...2/-

2. Against the above Government order first read above, various Writ Petitions have been filed before 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 Health Unit District under classification of 'difficult area in plains'.

3. The Hon'ble High Court of Madras in its common order dated 27.03.2019 on the above Writ Petitions, 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."

4. In the light of the above orders of the Hon'ble High Court of Madras and decided to implement the orders of the Hon'ble High Court and to issue necessary amendment to the Government Order first read above, so as to incorporate the ESI Dispensaries and Hospitals in the respective categories classified in the said G.O. (Ms) No.86, Health and Family Welfare Department, dated 06.03.2019. Accordingly, suitable amendment orders were issued in the Government Order fourth read above.

5. Meanwhile, against the above orders of the Hon'ble High Court of Madras, one Dr. Thanveer Ahmed has filed a Writ Appeal No.1161 of 2019 before the Division Bench of Hon'ble High Court of Madras. In its order dated 29.03.2019, the Division Bench has dismissed the same.

6. In his letter fifth read above, the Additional Director of Medical Education / Secretary, Selection Committee has stated that in compliance with the above orders of the Hon'ble High Court of Madras, the Government have extended the term period of the Committee under the Chairmanship of Hon'ble Justice Thiru A. Selvam (Retd.), High Court of Madras till 31.07.2019. Notification has been published in leading dailies for calling representations from the stakeholders and accordingly 292 representations have been received from them. Out of 292 representations, the Committee has considered all the representation and recommended only two representations and request the Government to issue appropriate amendment on the following:

1	Subramaniyapuram Government Hospital, Pudukottai District to be reclassified from Difficult Areas in Plains (9% of marks per year) to Rural Areas (5% of marks per year).
2	Aravatla Primary Health Centres in Tirupathu Huealth Unit District to be reclassified from Rural Areas (5% of marks per year) to Remote Areas (8% of marks per year).

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 recommendation of the Committee and decided to issue necessary amendment to G.O.(Ms).No.86, Health and Family Welfare (MCA1) Department, dated 06.03.2019, so as to incorporate the two categories classified in the above said Government Order. The Government accordingly do and hereby direct that the following amendments be issued to the G.O.(Ms.) No.86, Health & Family Welfare Department, dated 06.03.2019 and G.O.(Ms) No.114, Health and Family Welfare Department, dated 29.3.2019:-

AMENDMENTS

- i. the following Government Hospital, shall be added in "List of ESI Dispensaries in Rural Areas" to G.O.(Ms).No.114, Health and Family Welfare (MCA1) Department, dated 29.03.2019, after serial number 1205:-

Sl. No.	District	Name of the Hospital
1206	Pudukkottai District	Subramaniyapuram

- ii. the following Primary Health Centre, shall be added with Annexure III to G.O.(Ms).No.86, Health and Family Welfare (MCA1) Department, dated 06.03.2019, after serial number 23:-

Sl. No.	District	Name of the Primary Health Centre
23A	Thirupathur District	Aravatla

- iii. the following Government Hospital, shall be deleted with Annexure II to G.O. (Ms).No.86, Health and Family Welfare (MCA1) Department, dated 06.03.2019;

Sl. No.	District	Name of the Hospital and Type
699	Pudukkottai District	Subramaniyapuram G.H. Non-Taluk

- iv. the following Government Hospital, shall be deleted with Annexure IV to G.O. (Ms).No.86, Health and Family Welfare (MCA1) Department, dated 06.03.2019;

Sl. No.	District	Name of the Primary Health Centre
922	Thirupathur District	Aravatla

- v. The Government also direct that the places identified for awarding incentive marks in the said Government Orders read above, including the places recommended by the committee now should be continued for a period of three years from 2020-2021 in compliance with the orders of the Hon'ble High Court.
- vi. The Additional Director of Medical Education / Secretary, Selection Committee is directed to publish the amendment with the recommendation of the committee in public domain and also publish the same in popular English and vernacular dailies as per the orders of the Hon'ble High Court of Madras.

(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.
Stock File / Spare Copy.

// FORWARDED / BY ORDER //

27/9/19
27/9/19
SECTION OFFICER