



GOVERNMENT OF KERALA

Abstract

H&FWD - Academic - WP(C) No.1974/2011 filed by Dr. Binu Jose - Judgment of the Hon'ble High Court - Complied with - Orders issued.

HEALTH & FAMILY WELFARE (S) DEPARTMENT

GO(Rt)No.648/2011/H&FWD

Dated, Thiruvananthapuram, 22.02.2011

Read:- 1. GO(Rt)No.41/2011/H&FWD dated 04.01.2011

2. Judgment dated 02.02.2011 in WP(C) No.1974/2011 of the Hon'ble High Court.

ORDER

Dr. Binu Jose, Assistant Surgeon, PHC, Marayoor, Idukki District has filed Writ Petition before the Hon'ble High Court praying to include the clause for weightage of marks for the service in Remote or Difficult Rural areas in the Prospectus for admission to PG Medical Courses 2011. The Hon'ble High Court has directed Government to consider and pass orders on Ext.P10 representation of the petitioner.

Government have examined the whole aspects of the case in detail. The amended Post Graduate Medical Education Regulation, 2009 of the medical Council of India provides weightage of marks in the Entrance Examination for admission to Medical PG courses as an incentive at the rate of 10% of marks for each year in service in Remote or Difficult Rural areas upto a maximum of 30% of marks obtained. This clause was included in the Prospectus for admission to PG Medical Courses 2010. As per this clause all candidates including regular and bonded/contract doctors were eligible for weightage. But this has been challenged before the Hon'ble High Court and the Hon'ble High Court in its order dated 25.03.2010 in WP(C) No.1014/2009 and connected cases has ordered that while granting weightage in the general merit quota, those persons who are actually in service alone shall be given weightage. In other words, those who have served or are serving under bonded obligation or those who have served for sometime and are not presently in service for some reason or the other, shall not be entitled to get weightage. As per this order Government have not included the clause for weightage for Remote or Difficult Rural Area service in the Prospectus for admission to PG Medical Courses 2011.

The doctors who are in Government Service on regular basis and are working in Remote or Difficult Rural Areas, like the petitioner are eligible for the weightage as per directive of the Hon'ble High Court. But this fact was not noticed while issuing Prospectus for 2011 by mistake. In the circumstances, the Prospectus for Admission to PG Medical Courses, 2011 is modified by incorporating Clause VIII (g) as mentioned below.

Clause VIII (g)

“Weightage will be given to candidates, who are in Government Service on regular basis and appearing for common Entrance Examination, who have done Government Service in Remote or Difficult Rural areas after the MBBS course as per PG Medical Education Regulation, 2009 Part III of Medical Council of India. Weightage shall be given as an incentive at the rate of 10% of the marks obtained in the Entrance Examination, for each year in service in Remote or Difficult Rural areas upto the maximum of 30% of the marks obtained”.

Government order read as 1st paper above is modified to this extent and the judgment of the Hon’ble High Court is complied with accordingly.

The Commissioner for Entrance Examination/the Director of Medical Education will revise the rank list on the basis of the above said modification, if any rank list has been published.

By Order of the Governor

K.G. Vijayakumaran Nair
Under Secretary to Government

To

The Advocate General, Ernakulam (With CL)
The Director of Medical Education, Thiruvananthapuram
The Commissioner for Entrance Examination, Thiruvananthapuram
The Director of Health Services, Thiruvananthapuram
The State Mission Director, NRHM, Thiruvananthapuram
Dr. Binu Jose, Anu Nivas, Chemmakkad P.O, Kollam – 691 603.
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Sd /-
Section Officer