

GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department -- Judgment of the Hon'ble High Court in WP(C) No. 1716/2010 - directions complied with
- Orders issued.

HEALTH & FAMILY WELFARE (J) DEPARTMENT

G O.(Rt)No. 1509/2010/H&FWD

Dated, Thiruvananthapuram, 06/04/2010.

Read:-

1. G.O(Rt). No. 3582/09/H&FWD dated 08/12/09.
2. Representation dated 29.12.09 submitted by Dr. S. Sreejeev (Ext. P7 to WP(C) No. 1716/2010)
3. Judgment dated 27/01/2010 of the Hon'ble High Court in WP(C) No. 17/6/2010.
4. Letter No. 277/C3/10/GHMCT dated 24/02/10 from the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.

ORDER

1. Dr. S. Sreejeev, Medical Officer, Department of Homoeopathy, Government Homoeo Dispensary, Cherpunkal, Kottayam district has filed WP(C) No. 1716/10 before the Hon'ble High Court praying inter alia for a direction to provide priority and option of place to the candidates under Rural Service Quota for admission to the courses in Homoeopathy (MD Homoeo) for the year 2009-10 as provided in other categories and courses.
2. The above WP(C) was disposed by the Hon'ble High Court as per its judgment read as 3rd paper above with direction to the 1st respondent ie, the Secretary (Health) to take a decision on Ext. P7 after hearing the petitioner within a period of one month from the date of receipt of a copy of the judgment.
3. In Ext. P7 representation read as 2nd paper above, the petitioner has stated that at present there is no option facility for candidates under Rural Service . Quota in Homoeopathy whereas such facility is available in all other medical branches. Hence he has requested to grant option facility to Homoeopathic P.G Course in Rural Service Quota from the current year (ie. 2009-10) onwards.
4. As directed by the Hon'ble Court the petitioner was heard on 19-3-2010.
5. During the hearing the Petitioner informed as follows
 - (i) He is presently working as Medical Officer, Department of Homoeopathy, Government Homoeo Dispensary, Cherppunkal, Kottayam District. He is an aspirant for admission to the Post Graduate Course in Homoeopathy (M.D. Homoeo) in the seat reserved for "Rural Service Candidate" for the year 2009-10. He is challenging the stipulation in the prospectus for admission to the Post Graduate Course in Homoeopathy (M.D. Homoeo) for the year 2009-2010 that "No option of place will be exercised to the service candidates including candidates under "Rural Service quota".
 - (ii) in the prospectus for admission to MD (Homoeo) for the year 2009-10) in para it is provided that "no option of place will be exercised under item 5.4 (a) and 5.5, above. Due to this provision, the Rural Service candidates are not in a position to prefer the colleges. But in all other branches of medicine and para medical courses, more preference is provided to the service candidates than the general candidates for opting courses and colleges.
 - (iii) Therefore the petitioner has requested to provide priority and option of place to the candidates
6. Government have examined the matter in detail in the light of the report of the Principal & Controlling Officer and the contention raised by the petitioner. A comparative analysis of priority and place of option facility for admission to Service candidates of MD (Homoeopathy) with other professional Courses disclosed that for post graduate courses in Allopathy, Dental and Nursing the candidates in Rural Service Quota have clear choice to opt college of their choice. In Ayurveda also even though the candidate are not required to give any preference of subjects and the college, the practice is that candidates are given opportunity to choose their subjects and college at the time of admission. However the candidates in

Homoeopathy are neglected the facility of choosing their colleges. The Medical Officers (Homoeo) serving in rural area deserves a better consideration. The teachers working in Government Colleges are also allowed to study in the Colleges where they are working.

7. In the circumstances Government are pleased to delete the condition that no option places will be exercised in respect of candidates under Rural Service Quota from the prospectus of MD (Homoeo) from 2009-10 onwards. The prospectus for admission to Post Graduate Course in Homoeopathy (MD Homoeo) for the year 2009-10 approved as per G.O read as 1st paper stands modified to the above extract. The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram will provide option facility to the eligible candidate under Rural Service Quota during the current year (2009-10).
8. The directions of the Hon'ble High Court contained in the judgment read as 3rd paper above stands complied with as above

(By order of the Governor)

E. SREEKUMARAN NAIR

Under Secretary to Government

To

Sri. S. Sreejeev, Medical Officer, Department of Homoeopathy, Government Homoeo Dispensary, Cherpunkal, Kottayam District. (By Registered Post with AID)

Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A&E), Kerala; Thiruvananthapuram.

The Advocate General (A&E)Eranakula (with C/L)

SF/OC.

Copy to

The PS to Minister (H&FW)

The PA to Secretary (ME)

Forwarded/By order,

Section Officer.