



TWELFTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
SUBORDINATE LEGISLATION
(2006-2008)**

SECOND REPORT

(Presented on 27th March, 2007)

SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM
2007

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COMPOSITION OF THE COMMITTEE ON
SUBORDINATE LEGISLATION
(2006-2008)

Chairman :

Shri Jose Thettayil

Members :

Shri P. Krishna Prasad
,, Murali Perunelly
,, V. Sasikumar
,, Simon Britto Rodrigues
,, K. Sivadasan Nair
,, P. Thilothaman
,, Thomas Unniyadan
,, M. Ummer.

Legislature Secretariat :

DR. N. K. Jayakumar, Secretary
Smt. R. Prasanna Kumari, Joint Secretary
Shri M. P. Syed Abdul Kadar, Deputy Secretary
Smt. P. Jayalekshmi, Under Secretary.

INTRODUCTION

I, the Chairman, Committee on Subordinate Legislation, having been authorized by the Committee to present this report on their behalf, present this, the Second Report of the Committee.

This Report is based on the action taken by the Government on the recommendations/observations contained in the Third Report of the Committee on Subordinate Legislation of the Eleventh Kerala Legislative Assembly.

The Third Report of the Committee on Subordinate Legislation (2001-2003) was presented to the Assembly on 17th June 2003. The Government have furnished their replies indicating the action taken by them on various recommendations/observations contained in the Report. The Committee considered all the replies received from the Government at their various sittings.

The Committee considered and finalized this Report at their meeting held on 13-9-2006.

JOSE THETTAYIL,

Chairman,

Committee on Subordinate Legislation.

Thiruvananthapuram,
27th March, 2007.

**The Action taken by Government on the Recommendations contained in the
Third Report of the Committee on Subordinate Legislation 2001-2003
(Eleventh Kerala Legislative Assembly)**

CHAPTER I

REPORT

The Third Report of the Committee on Subordinate Legislation of the Eleventh Kerala Legislative Assembly was the result of the evidence taken by the Committee from concerned officials of the Health and Family Welfare Department based on the representations received, regarding alleged irregularities followed in matters of admission to P.G. Medical Degree/Diploma courses and Difficult Rural Area Quota during the year 2001-2002. It contained four recommendations. The Health and Family Welfare Department have furnished replies indicating the action taken by them in regard to all the recommendations.

The Committee have considered the action taken statement and accepted the replies furnished by Government in respect of three recommendations. These recommendations and replies are contained in Chapter II of this Report. Chapter III contains the recommendation in respect of which the committee sought more details from Government and the final reply received from the Government in this regard which was accepted by the Committee.

CHAPTER II

**Recommendations in respect of which replies from Government
have been accepted by the Committee****Recommendation (Para No. 20)**

The committee also recommends the Government to revise the DRA Quota every year in view of an increase in the number of Doctors serving in the rural areas and to give due recognition to their service in rural and difficult rural areas.

Reply from Government

The prospectus for admission for medical PG Degree/Diploma Courses is prepared by the Committee headed by the Principal Secretary (Health & Family Welfare Department) and the same is published after approval by the Government. The quota is to be decided on the basis of the need under each category. For the year 2003, the number of seats under DRA quota was 17 as against the 15 seats for the year 2002. For the year 2004, the number of seats under this category is 21. The recommendation of the Committee will be brought to the notice of the prospectus Preparation Committee for due consideration.

Recommendation (Para No. 27)

Along with, the committee find that the content of the prospectus is finalized by the Prospectus Committee, after detailed discussion. In this connection the Committee observe that bringing amendment to the prospectus especially with regard to the eligibility conditions is likely to create confusion among the candidates and will upset the admission procedure to a great extent. Hence the Committee are of the opinion that the Government should not have resorted to bring out amendments to the important aspect of the prospectus, i.e. in respect of eligibility condition on the basis of item XVIII of the prospectus.

Reply from Government

The Prospectus Preparing Committee for the year 2002 decided to change the rule regarding the completion of 2 years for attaining the eligibility for applying under Lecturer quota, since there were vacancies under Lecturer quota in certain discipline and there were a number of Lecturers who were not having PG qualification and were not qualified for career advancement. The

Committee therefore decided not to transfer the unfilled seats under Lecturer quota to Health service quota. It was because of these reasons that the amendments to the prospectus was brought about deleting the condition of 2 years service under Lecturer quota.

Recommendation (Para 28)

The Committee finally recommend that the Government to stop the practice of amending the prospectus, after publication of the same, and to complete the admission procedure strictly as per the conditions/rules as laid down in the prospectus.

Reply from Government

In Para XVIII of the prospectus there is an enabling provision for the Government to make modification/addition to the prospectus even after its publication. This provision is invoked by the Government only sparingly and extreme unavoidable circumstances. The government agrees to this recommendation of the Committee on Subordinate Legislation in principle.

CHAPTER III

Recommendation in respect of which the Committee sought more details and the details received which are accepted by the Committee

Recommendation (Paragraph No. 19)

The Committee therefore recommend the Government to take immediate steps to fill up the remaining 10 vacancies from among the candidates who have applied for post graduation under DRA quota during 2002, and have completed their probation in the absence of enough candidates, fulfilling the condition of 3 years eligible service, as specified in the prospectus.

Reply from Government

All the 15 seats earmarked under DRAQ for the year 2002 were filled up by candidates belonging to the DRA category.

Further details sought by the Committee :

- (i) The name and address of the candidates, who have been selected under DRA Quota during the year 2002, 2003 and 2004.
- (ii) The particulars of service of the selected candidates in different rural area.
- (iii) The name of course that each of them were allotted.

This matter was referred to the Health & Family Welfare Department on 16-8-2004.

DETAILS RECEIVED FROM GOVERNMENT REGARDING CANDIDATES
SELECTED UNDER DIFFICULT RURAL AREA QUOTA

I 2002

As per letter No. EB2/103466/01/DHS dated 30-5-2002, the Director of Health Services provided the provisional seniority list of 27 candidates who applied for Post Graduate admission under Difficult Rural Area Quota 2002.

As per clause X (j) (iii) of PG prospectus 2002, only seven candidates qualified for admission with three years of service under Difficult Rural Area Quota. All the seven candidates attended the counseling on 11-6-2002 and the following five candidates were selected.

- | | | | |
|----|-------------------------|----|------------------------|
| 1. | Dr. Pramod Sreenivas | .. | M. D. General Medicine |
| 2. | Dr. M. Santhosh Kumar | .. | M. D. Paediatrics |
| 3. | Dr. Jyothi Ignatius | .. | DCH |
| 4. | Dr. M. Sabeela | .. | DCH |
| 5. | Dr. P. C. Muraleedharan | .. | D. Ortho |

The other two were not selected due to the non availability of their opted subject.

- | | | | |
|----|--------------------------------|----|--|
| 1. | Dr. P. P. Rajeevan -1st option | .. | MD Paediatrics
2nd option-DCH |
| 2. | Dr. Gokul Dev - 1st option | .. | MD General Medicine
2nd option MD Paediatrics |

Since Government relaxed the eligibility criteria from 3 years of effective service to 2 years, as per the direction of High Court in OP No.18330/02, the seniority list of candidates for 2002 was revised by the DHS. Out of the revised list, a total number of 22 were found eligible, including the 7, who already attended the counseling on 11-6-2002. In the meantime the validity period of the rank list was extended up to 15th August 2003, for the limited purpose of filling up the seat earmarked for Difficult Rural Area Quota, Rural Service Quota and Seniority in Service Quota. In the counseling on 11-8-2003, out of the 13 candidates who attended, 9 candidates were given admission as per option and availability of seats. But two of them relinquished the allotted seats. The remaining 6 candidates, who were not willing to accept the available seats, were placed in the waiting list. The vacant seats earmarked for Difficult Rural Area Quota had been transferred to other category in the service quota and selected except the seats under MD Community Medicine, DA and DMRT

for which no candidate opted in any of the category. One unfilled seat in MD Anesthesia under Lecturer quota had been transferred to Difficult Rural area Quota and filled up with a Difficult Rural Area Quota candidate, viz Dr. R Muraleedharan. As such during the year 2002, only 14 candidates were selected for admission to various courses for PG degree/diploma under Difficult Rural Area Quota against the 15 seats earmarked, out of which 2 candidates later relinquished the allotted seats. The earlier report that 15 seats were filled up by Difficult Rural Area Quota candidates was an inadvertent error which is highly regretted.

List of Candidates selected under Difficult Rural Area

<i>Sl. No.</i>	<i>Name</i>	<i>Course</i>	<i>Qualifying Service</i>		
			<i>Y</i>	<i>M</i>	<i>D</i>
(1)	(2)	(3)	(4)		
1.	Dr. Pramod Sreenivas	MD (Gen Med)	5	0	13
2.	Dr. M. Santhosh Kumar	MD (Pae)	3	10	26
3.	Dr. Jyothi Ignatius	DCH	3	10	9
4.	Dr. M. Sabeela	DCH	3	6	16
5.	Dr. P. C. Muraleedharan	D Ortho.	3	0	21
6.	Dr. K. K. Suresh	MS (Oph.)	2	6	9
7.	Dr. P. V. Narayanan	DLO	2	0	20
8.	Dr. S. Sunil	MS (GS.)	2	0	16
9.	Dr. K. P. Jayakumar	D Ortho.	2	0	15
10.	Dr. S. Sindhi	DGO	2	0	15
11.	Dr. P. V. Ramesh Babu	MD (Aneas.)	2	0	14
					(Later relinquished)
12.	Dr. V. Abhijith	MD (Aneas.)	2	0	14
					(Later relinquished)
13.	Dr. S. Suresh Kumar	MS (GS.)	2	0	14
14.	Dr. R. Muraleedharan	MD (Aneas.)	2	0	12

(1)	(2)	(3)	(4)		
Waiting List :					
1.	Dr. P. P. Rajeevan- 1.	MD (Paed.) 2.DCH	3	0	20
2.	Dr. A. Gokuldev- 1.	MD (GM.) 2. MD (Pae)	3	0	11
3.	Dr. R. Minimol- 1.	MS (Opth.) 2. MD (Pae)	2	4	17
4.	Dr. Ramesh Kuttancherry-1.	MD (Psy.)	2	0	29
5.	Dr. K. Sajeev- 1.	MD (Pae.) 2. MD (GM)	2	0	13
6.	Dr. P. R. Sandhya-1.	MS (Opth.)	2	0	11
Not reported for counseling :					
1.	Dr. T. Ali		2	5	13
2.	Dr.Taggi K.Thomas		2	0	19
II 2003					
1.	Dr. P. P. Rajeevan	MD (Paed)	3	11	5
2.	Dr. A. Gokuldev	MD (GM)	3	10	26
3.	Dr. Daisy Thomas	MD (D&V)	3	9	9
4.	Dr. T. Ali	DCH	3	3	27
5.	Dr. R. Minimol	DCH	3	3	2
6.	Dr. P. R. Sandhya	MD (PMR)	2	10	27
7.	Dr. K. C. Ramesan	MS (ENT)	2	11	14
8.	Dr. K.Vasanthi	DGO	2	11	4
9.	Dr. M. V. Ruby	MS (Opth)	2	11	3
10.	Dr. B. P. Premkumar	DLO	2	11	1
11.	Dr. V. Abhijith	MD (Psy)	2	10	29
12.	Dr. P. V. Sunil Chandran	MS (GS)	2	10	27
13.	Dr. Shaju Mathews	MS (GS)	2	8	28
14.	Dr. S. Sreelal	MS (GS)	2	4	7
15.	Dr. K. S. Ganeshkumar	MS (GS)	2	3	26
16.	Dr. K. A. Pauly	DGO	2	4	17

(1)	(2)	(3)	(4)	(5)	(6)
III 2004					
1.	Dr. Nair Sajeesh Balarajan	MD (GM)	3	6	5
2.	Dr. P. M. Abdul Saleem	MD (Pae)	3	2	7
3.	Dr. N. Jayachandran	MS (Ortho)	3	1	9
4.	Dr. T. Sajeev	MS (O&G)	2	2	24
5.	Dr. V. S. Sajith	MS (Surg)	2	2	23

(The decrease in the number of candidates, selected for, is due to the condition introduced by Medical Council of India, on the basis of the direction of Hon'ble Supreme Court, regarding the eligibility for admission to the PG courses from the year. As per the condition the service candidates should also have to qualify in the entrance list for getting admission to the PG course. In the test only 5 candidates got eligibility under Difficult Rural Area Quota and selected for the course).

The Committee have discussed the above reply in detail and accepted the same. At the same time, the Committee observed that the Government could have furnished the details in an earlier date and in future, whenever a clarification or additional information is sought for by the Committee, the Government should see that a convincing and comprehensive reply would be furnished to the Committee within a reasonable period of time.

Thiruvananthapuram,
27-3-2007.

JOSE THETTAYIL,
Chairman,
Committee on Subordinate Legislation.