

Twelfth Kerala Legislative Assembly
Bill No. 322

**THE KERALA MEDICAL OFFICERS' ADMISSION TO
POSTGRADUATE COURSES UNDER SERVICE
QUOTA (AMENDMENT) BILL, 2010**

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2010

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COURSES UNDER SERVICE QUOTA (AMENDMENT) BILL, 2010

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BILL

to amend the Kerala Medical Officers' Admission to Postgraduate Courses under Service Quota Act, 2008.

Preamble.—WHEREAS, it is expedient to amend the Kerala Medical Officers' Admission to Postgraduate Courses under service Quota Act, 2008 for the purposes hereinafter appearing;

BE it enacted in the Sixty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Medical Officers' Admission to Postgraduate Courses under Service Quota (Amendment) Act, 2010.

(2) It shall come into force at once.

2. *Substitution of certain expressions by new expressions.*—In the Kerala Medical Officers' Admission to Postgraduate Courses under Service Quota Act, 2008 (29 of 2008) (hereinafter referred to as the principal Act),—

(1) for the letters “M.B.B.S.” wherever they occur, the letters and symbol “M.B.B.S./B.D.S.” shall be substituted.

(2) for the words “Medical Colleges” wherever they occur, the words and symbol “Medical Colleges /Dental Colleges” shall be substituted.

3. *Amendment of section 3.*— In section 3 of the principal Act, after the words, figures and brackets “the Indian Medical Council Act, 1956 (Central Act 102 of 1956)”, the words, figures and brackets “the Dentists Act, 1948 (Central Act 16 of 1948)” shall be inserted.

4. *Amendment of section 5.*—In section 5 of the principal Act, in sub-section (1), for the words “Postgraduate Medical Courses”, the words and symbol “Postgraduate Medical/Dental Courses” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

As per the practice followed in postgraduate courses in Dental Surgery, forty percent of seats available in the State were earmarked to service candidates, which consists of doctors under Medical Education Services and Health Services. As per Notification No. DE 22-2007 dated 20th November 2007 (Revised MDS Course Regulations 2007) entrance examination is mandatory for the selection of candidates for postgraduate courses in Dental Surgery. In view of the difficulties faced by service candidates in getting the prescribed fifty percent marks in the entrance examination, in the year 2008, the Kerala State Legislative Assembly has passed the Kerala Medical Officers Admission to Postgraduate Courses under Service Quota Act, 2008 (29 of 2008) by which the entrance examination has been exempted to the candidates who are under Government Service and wish to join Postgraduate Medical Courses in Government Medical Colleges in the State. But the said Act was not made applicable for admission to postgraduate courses in Dental Surgery.

Many representations pointing out the discrepancy and denial of rights of the candidates of Dental Wing in excluding them from the purview of the Kerala Medical Officers Admission to Postgraduate Courses under Service Quota Act, 2008 have been received by the Government and the Government after examining the matter in detail, have decided to include the service candidates from Dental Wing in Health Service and Medical Education Service also within the purview of the above said Act. For that purpose the Kerala Medical Officers Admission to Postgraduate Courses under Service Quota Act, 2008 (29 of 2008) needs to be amended.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

P. K. SREEMATHI TEACHER

EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA
MEDICAL OFFICERS' ADMISSION TO POSTGRADUATE
COURSES UNDER SERVICE QUOTA ACT, 2008
(29 OF 2008)

Long title.—to provide for quota of seats among Medical Officers of the State of Kerala and to have a selection procedure for admission to various Post Graduate Courses in the Medical Colleges under the service quota considering their service under the Government and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to provide for quota of seats among medical officers of the State of Kerala and to have a selection procedure for admission to various Post Graduate Courses in the Medical Colleges under the service quota considering their service under the Government;

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2. Definitions.—

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(d) 'Medical Officer' means a doctor with M.B.B.S. qualification who is in service under the control of a Head of Department and includes a lecturer or any other doctor with a different designation as the Government may specify;

(e) 'Post Graduate Course' means the course of study after M.B.B.S. which may be a degree course of three year duration or a diploma course of two year duration declared as such in the prospectus;

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3. Selection of Medical Officers for admission to Post Graduate Course Under the Service Quota.—Notwithstanding anything contained in the Indian Medical Council Act, 1956 (Central Act 102 of 1956) or any rule or regulation issued thereunder or in any judgment, decree or order of any court or authority, the selection of Medical Officers for admission to Post Graduate Course of study in the State under the service quota shall be made only under the provisions of this Act.

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5. *Procedure for selection.*—(1) The Government may set apart seats not exceeding forty percent of the total seats available to state quota in an academic year, for selection of Medical Officers under service quota considering their service under the Government for admission to Post Graduate Medical Courses in the Medical Colleges of the State in such manner as may be prescribed.

(2) The academic qualification for admission to the Post Graduate Course shall be M.B.B.S. degree with minimum fifty per cent marks and the other qualifications shall be such as may be prescribed.

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