

GAHC010124392022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/1242/2023

SHEIKH NEKIBUDDIN AHMED
S/O SHEIKH SULEMAN ALI AHMED
R/O VILL- RAJNAGAR
WARD NO. 11
NALBARI TOWN
P.O. AND DIST-NALBARI (ASSAM)

VERSUS

THE PRINCIPAL SECRETARY
HEALTH AND WELFARE DEPARTMENT AND ORS
TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006.

2:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM

KHANAPARA
GUWAHATI-22

3:THE PRINCIPAL CUM CHIEF SUPERINTENDENT
GUWAHATI MEDICAL COLLEGE AND HOSPITAL
BHANGAGARH
GUWAHATI-781032

4:THE ACADEMIC REGISTRAR
GAUHATI UNIVERSITY
JALUKBARI
GUWAHATI-781014

5:SRIMANTA SANKARDEVA UNIVERSITY OF HEALTH SCIENCES
REP. BY ACADEMIC REGISTRAR
2ND FLOOR
GAUHATI MEDICAL COLLEGE BUILDING
GAUHATI MEDICAL COLLEGE HILL-TOP ROAD

NARKASHUR HILLTOP
BHANGAGARH
GHY
ASSAM-781032.
6:THE ACADEMIC REGISTRAR
SRIMANTA SANKARVEVA UNIVERSITY OF HEALTH SCIENCES
2ND FLOOR
GAUHATI MEDICAL COLLEGE BUILDING
GAUHATI MEDICAL COLLEGE HILL-TOP ROAD
NARKASHUR HILLTOP
BHANGAGARH
GHY
ASSAM 781032.
7:NATIONAL MEDICAL COMMISSION
REP.BY ITS CHAIRMAN POCKET 14 SECTOR 8 DWARKA PHASE 1 NEW
DELHI 110077 UNDERGRADUATE MEDICAL EDUCATION BOARD NATIONAL
MEDICAL COMMISSION POCKET 14 SECTOR 8 DWARKA PHASE 1 NEW
DELHI 110077

Advocate for : MRS R DEKA
Advocate for : SC
N M C appearing for THE PRINCIPAL SECRETARY
HEALTH AND WELFARE DEPARTMENT AND ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 10.05.2023

Heard Mr. B. D. Das, learned senior counsel, assisted by Mr. H. R. Das, learned counsel appears for the petitioner. Also heard Mr. B. Gogoi, learned standing counsel, Srimanta Sankardeva University of Health Sciences appears for the respondent Nos. 5 and 6 and Mr. A. Chaliha, learned standing counsel, Health and Family Welfare Department.

This Interlocutory Application has been filed by the petitioner seeking impleadment of the National Medical Commission represented by his Chairman as a party

respondent in WP(C)/4471/2022.

The applicant had qualified for MBBS Course for the academic session 2009-2010 and was admitted to the 1st year of MBBS Course at Gauhati Medical College for the said session. Unfortunately, the applicant sustained serious injuries in a motor accident. And he was under medical treatment and could not continue his studies for 2 years. Subsequently, although the authorities had permitted the applicant/petitioner to resume his studies, the applicant was not able to resume his studies owing to development of psychosomatic disorder as well as tuberculosis, as a result of which the petitioner could not regularly attend his classes for the period w.e.f. 2012 to 2019. After recovering from the ailments he submitted a representation, before the respondent No.5 in the year 2020 praying before him to allow him to continue the said course. The said representation was rejected by the respondent No.5 on the ground that there is no record available in the office of the respondent No.5 regarding the admission of the petitioner. Petitioner being aggrieved filed the writ petition being WP(C) No. 4471/2022. On 27.04.2023 counsel for the respondent No.3 apprised this Court that since 2017 the National Medical Commission has relevant jurisdiction for conduct of examination, recommendation and admission in Government Medical Colleges of the State. Accordingly, the petitioner as the applicant has filed the present application seeking impleadment of National Medical Commission as a party

respondent in WP(C) No. 4471/2022 as the National Medical Commission is necessary party in the present proceedings.

Learned counsel appearing for the Health Department submits that there is no objection to the prayer made by the petitioner for impleadment of National Medical Commission as a party respondent.

Mr. D. K. Baidya, learned standing counsel National Medical Commission has also been served a copy and he has no objections to the prayer made for impleadment.

Learned counsels for the parties have been heard. The pleadings available on record are perused. Upon due consideration of the submissions made at the Bar, this Court is of the view that the prayer for impleadment of National Medical Commission can be allowed as it is the primary authority which conducts and lays down procedures for Medical admissions across the country.

Accordingly, this Interlocutory Application is allowed. The National Medical Commission is directed to be arrayed as party respondent No.7 in WP(C)/4471/2022.

Registry is to incorporate the necessary particulars in the Cause Title of the writ petition being WP(C)/4471/2022 in terms of the order passed today showing National Medical Commission as party respondent No.7 in terms of this order passed in the Interlocutory Application.

Mr. D. K. Baidya, learned standing counsel National Medical Commission will furnish sufficient copies of the writ

petition as well as the copy of this Interlocutory Application to the learned counsel appearing on behalf of National Medical Commission.

Interlocutory Application is accordingly, allowed and disposed of.

JUDGE

Comparing Assistant