

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.11661 of 2015
and M.P.No.1 of 2015

1. Dr. U.Karthika Priyadharshini
2. Dr. K.Praveen
3. Dr. S.Rajeswarie
4. Dr. R.Saranya
5. Dr. E.Vijay Prabu
6. Dr. Indu M.Raja
7. Dr. T.Kumara Singam
8. Dr. B.Arunkumar
9. Dr. Dangujubium Sree Usha
10. Dr. A.Adilakshmi
11. Dr. M.Priyatharshini
12. Dr. Jaya Pradha
13. Dr. Devesh Sharma

... Petitioners

Vs

1. Union of India, Rep. By Secretary to Government,
Medical Education, Ministry of Health and Family Welfare,
Nirman Bhavan, Maulana Azad Road,
New Delhi - 110 011
2. The Medical Council of India,
Rep. By its Secretary,
Pocket 14, Sector 8, Dwarka Phase - I,
New Delhi - 110 071
3. The Pondicherry University,
Rep. By its Registrar, R.V.Nagar,
Kalapet, Puducherry - 605 014
4. The Controller of Examinations,
Pondicherry University, R.V.Nagar,
Kalapet, Puducherry - 605 014
5. Sri Venkateswara Medical College
Hospital and Research Center,
Rep. By its Dean (In-charge),
No.13A, Pondy-Villupuram Main Road,
Arriyur, Puducherry - 605 102
6. The Tamil Nadu Medical Council,
Rep. By its Secretary,
No.914, Poonamalle High Road,
Arumbakkam, Chennai - 600 106

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the

fourth respondent to conduct fresh practical examination for the course of M.D.(Physiology), M.D. (Pharmacology), M.D. (Biochemistry), M.D. (Anatomy) and M.D. (Microbiology) under intimation to the fifth respondent and the second respondent to cause assessment inspection for recognition.

For Petitioners:Mr. K.Mohanamurali

For Respondents:Mr. Su. Srinivasan, Asst. Solicitor General, for R-1
Mr. V.P.Raman, for R-2
Mr. Balamurugan, AGP (Puducherry) for R-3 & R-4,
Mr. Veerakathiravan, for R-6
Mr.M.V.Muralidharan for R-5

O R D E R

By consent of the learned counsel for both sides, the writ petition is taken up for final disposal.

2. Seeking direction to the fourth respondent to conduct fresh practical examination for the courses, M.D.(Physiology), M.D. (Pharmacology), M.D. (Biochemistry), M.D. (Anatomy) and M.D. (Microbiology) under intimation to the fifth and second respondents to cause assessment inspection for recognition, the petitioners have come forward to file this writ petition.

3. Heard the learned counsel for both sides.

4. The practical examination scheduled for the non-clinical courses, such as M.D.(Physiology), M.D. (Pharmacology), M.D. (Biochemistry), M.D. (Anatomy) and M.D. (Microbiology) was announced by the fourth respondent / University on 27.01.2015, commencing from 15.04.2015 to 17.04.2015. On 11.02.2015, a letter was sent by the Medical Council of India / the second respondent herein to the fifth respondent, following the earlier letter, dated 22.10.2014, reiterating the fact that Applications shall have to be made by the Institutions for recognition to the Post Graduate Medical Qualification only to the Central Government, through affiliating University. In the said letter, dated 11.02.2015, the second respondent has informed the College, namely, the fifth respondent to furnish two documents, such as letter of permission for starting / increasing of students for the courses issued by the Central Government and demand draft of Rs.75,000/- in favour of the Secretary, Medical Council of India payable at New Delhi. In response to the same, the fifth respondent has sent a demand draft for Rs.3,75,000/- on 17.02.2015 to the third respondent / University. Further, the fifth respondent has also sent a letter, dated 19.02.2015, to the second respondent, marking a copy to respondents 1, 3 and 4. The third respondent / University has also sent a communication to the first respondent on 26.02.2015 marking a copy to the second respondent. The schedule of examination was announced by the third respondent during March 2015. Again a letter was sent by the third respondent / University to the first respondent on 12.03.2015 marking a copy to the second respondent, which was

followed by a letter, dated 25.03.2015. On 07.04.2015, the second respondent has sent a letter to the fifth respondent / College reiterating the earlier contents of the communication, dated 11.02.2015, asking for submission of the documents immediately. A communication was sent by the fifth respondent to the second respondent as well as to the first respondent on 08.04.2015. On 13.04.2015 letters have been sent by the fifth respondent to respondents 1 to 3. Similarly, a letter was sent by the second respondent to the fifth respondent marking copies to the first respondent on 17.04.2015. The fifth respondent also sent another letter on the very same date to the third respondent.

5. When the facts stood thus, both the written as well as practical examinations were over. Meanwhile, by a communication, dated 06.06.2015, the second respondent has rejected the request made by the the fifth respondent stating that the formal request from the first respondent for recognition of the said Post-Graduate Courses and examinations fees were received only after the examination dates are completed.

6. Admittedly, the petitioners are students studying with the fifth respondent / College. It is not as if they are seeking recognition of the practical examinations done, in the absence of the approval of the second respondent. Now the prayer of the petitioners is that the fourth respondent will have to be directed to conduct fresh practical examination with the approval of the second respondent.

7. The letters / communications, referred to above, would go to show that even as early as on 07.04.2015, the petitioners' college, namely, the fifth respondent was asked to submit application at the earliest. Even before the same, the petitioners' college / the fifth respondent has sent applications through the third respondent. There appears to be some delay in responding to the communications between the third respondent and the first respondent. One thing is clear that the application has been made as early as on 17.02.2015. While this Court cannot pass any order to give approval to the practical examinations done (in the absence of the approval of the second respondent), the request made for conducting fresh practical examination appears to be just and reasonable.

8. From the facts narrated above one thing is clear, i.e., the petitioners cannot be found fault with. For the procedural delay, the students / petitioners cannot be made to suffer. What they want is an opportunity to undergo the practical examination once again under the intimation to the second respondent.

9. Thus the writ petition stands disposed of, by directing respondents 3 and 4 to conduct fresh practical examination, for the aforesaid courses, within a period of four weeks from the date of receipt of a copy of this order with due intimation to the second respondent, who would cause assessment inspection for recognition. If the fifth respondent has not complied with the furnishing of the

letter of permission, the same has to be done within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

srk

To

1. The Secretary to Government, Union of India,
Medical Education, Ministry of Health and Family Welfare,
Nirman Bhavan, Maulana Azad Road,
New Delhi - 110 011
2. The Secretary, Medical Council of India,
Pocket 14, Sector 8, Dwarka Phase - I,
New Delhi - 110 071
3. The Registrar, The Pondicherry University,
R.V.Nagar,
Kalapet, Puducherry - 605 014
4. The Controller of Examinations,
Pondicherry University, R.V.Nagar,
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5. The Dean (In-charge),
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6. The Secretary, The Tamil Nadu Medical Council,
No.914, Poonamalle High Road,
Arumbakkam, Chennai - 600 106.

- 1 cc to Mr.V.P.Raman, Advocate Sr.No.50732
2 cc to Mr.K.Mohanamurali , Advocate Sr.No.11661
1 cc to Mr.Su. Srinivasan, , Advocate Sr.No.50328
2 cc to Mr.M.V.Muralidaran , Advocate Sr.No.50368

W.P.No.11661 of 2015
& M.P.No.1 of 2015

NM(CO)
PMK.16.09.2015

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