

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.12107 of 2015

S.Jai Ganesh

...Petitioner

Vs.

The President,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai-106.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to enroll the petitioner and to issue certificate of provisional registration so as to enable the petitioner to undergo the Compulsory Rotatory Residential Internship (CRRI) in any approved Medical College-Hospital in the State of Tamil Nadu and subsequently issue permanent registration certificate on successful completion of CRRI.

For Petitioner : Mr.S.Packiaraj

For Respondent : Mr.Veerakathiravan

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that after completing Higher Secondary Education in science group, he obtained eligibility certificate from the Medical Council of India on 12.05.2003 to do his undergraduate medical course in a Foreign Medical Institution and pursued his Bachelorette in Medicine in the International University of Health Sciences, St.Christopher and Nevis, West Indies and successfully completed the course in the year 2008 and thereafter, passed Screening Test for Indian Nationals with Foreign Medical Qualification conducted by the National Board of Examination during September, 2009. The petitioner would further state that in the meantime, he and other candidates sought provisional registration under Section 25(1) of the Indian Medical

Council Act by filing W.P.(Civil) No.23676 of 2011 before the High Court of Kerala and it was allowed by an order dated 01.10.2012, holding that the petitioners in the said writ petition are entitled for grant of provisional registration in the light of the judgment of the Hon'ble Supreme Court of India in Medical Council of India v. J. Saai Prasanna and Others [(2011) 11 SCC 748]. Appeal preferred against the said order in W.A.No.1981/2012 was also dismissed by a Division Bench of Kerala High Court on 29.09.2014 and the said judgment has become final. The petitioner would further state that inspite of the said judgment of the Division Bench of Kerala High Court, several State Medical Councils refused to entertain applications for provisional registration and taking note of the same, the Medical Council of India issued a circular to the Registrar of all State Medical Councils, vide proceedings No.MCI-203(1) (Gen.) 2014-Regn./457690 dated 11.02.2015, to process the application for grant of provisional/permanent registration to all such candidates who have obtained degree from the International University of the Health Sciences, St.Christopher and Nevis, West Indies and accordingly, all the State Medical Councils permitted the candidates who have applied for provisional enrollment so as to enable them to undergo Compulsory Rotatory Residential Internship (CRRI). The petitioner also applied to the respondent for provisional enrollment by submitting an application/representation dated 09.04.2015 and since, he has not been favoured with any response, came forward to file this writ petition.

3. Mr.S.Packiaraj, learned counsel appearing for the petitioner has drawn the attention of this Court to the judgment dated 29.09.2014 made in W.A.No.1981 of 2012 rendered by a Division Bench of Kerala High Court and would submit that the order of the learned Single Judge of Kerala High Court in W.P.(Civil) No.23676 of 2011, ordering the Medical Council of India to grant provisional registration got confirmed and following the said judgment, the Madurai Bench of this Court, by order dated 08.04.2015 made in W.P.(MD).No.5155 of 2015, has allowed the writ petition seeking enrollment of the petitioner therein and to issue certificate of provisional registration so as to enable the petitioner therein to undergo Compulsory Rotatory Residential Internship (CRRI) and in the light of the above said orders, there cannot be any impediment in directing the respondent to permit the petitioner to enroll and issue provisional registration certificate so as to enable him to undergo CRRI - House Surgeonship.

4. Mr.Veerakathiravan, learned counsel, who accepts notice for the respondent, would submit that in the light of the above said Division Bench judgment of the Kerala High Court, the Madurai Bench of this Court has also granted such a direction and this Court may pass appropriate orders.

5. This Court considered the rival submissions and also perused the typed set of documents.

6. It is not in dispute that the petitioner has successfully completed the M.B.B.S. course in a foreign medical institution, namely International University of Health Sciences, St.Christopher and Nevis, West Indies and also passed the Screening Test for Indian Nationals with Foreign Medical Qualification -September 2009 conducted by the National Board of Examination and therefore, the above cited orders are applicable to the facts of this case.

7. In the result, this Writ Petition is disposed of with a direction to the respondent to consider the petitioner's application/representation dated 09.04.2015 in the light of the above said orders passed by the High Court of Kerala as well as Madurai Bench of this Court and pass appropriate orders permitting the petitioner to enroll and grant certificate of provisional registration so as to enable him to undergo CRRI in any approved medical college/hospital in the State, subject to the fulfillment of conditions as decided by the Medical Council of India from time to time. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. The petitioner, on complying with the other conditions as per the Medical Council of India norms/regulations issued from time to time, the respondent may consider his claim for permanent registration. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

jvm

To

The President,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai-106.

1CC to Mr.Veerakathiravan, Advocate SR 23622
1CC to Mr.S.Packiaraj, Advocate Sr 23776

W.P.No.12107 of 2015

JSV [CO]
PSI 05.05.2015