

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13136 of 2015
and
M.P.Nos.1 and 2 of 2015

Jyotsnaa.M.

... Petitioner

Versus

- 1 The Secretary to Government
Health & Family Welfare Department Fort St.
George Chennai - 600 009.
- 2 Tamil Nadu Medical Council
Rep. by its President No.914 Poonamalle
High road Arumbakkam Chennai - 600 106.
- 3 Medical Council of India
Rep. by its Secretary Sector 8 Dwaraka
Phase - I New Delhi - 110077.
- 4 The Tamil Nadu Dr. MGR
Medical University Rep. by its Registrar
No.69 Anna Salai Guindy Chennai - 600 032.
- 5 The Dean
Chennai Medical College Hospital & Research
Centre Irungalur Trichy - 621 105. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to enable the petitioner having registration No.52108144 to obtain permanent registration of MBBS course with the 2nd respondent by providing her temporary registration certificate with the 2nd respondent and CRRI training during 2015-16 to be completed before 31st March 2016 in the 5th respondent college or any other approved medical college hospital under Dr. MGR Medical University in the case of this petitioner specifically with Christian Medical College, Vellore.

For Petitioner : Mr.G.Karthikeyan

For Respondents: Mr.R.Vijayakumar (for R1)
Additional Government Pleader

Mr.Veerakathiravan (for R2)
Mr.V.P.Raman (for R3)
Mr.Anand David (for R4)
Mrs.B.Saraswathy (for R5)

O R D E R

In continuation of the interim order dated 29.04.2015, passed by this Court while ordering notice of motion, final orders are passed in this writ petition, by consent of the respective learned counsel appearing for the parties.

2. The 5th respondent has filed the counter affidavit stating among other things that the Institution itself has filed W.P.(MD) No.5461 of 2015 on the file of the Madurai Bench of this Court and got an order of ad-interim direction vide order dated 10.04.2015 in M.P.(MD).No.1 of 2015, wherein 123 candidates, who have undergone studies in the 5th respondent institution, were granted liberty to make individual applications to the 2nd respondent herein, within a period of fifteen days from the date of receipt of a copy of that order and the 2nd respondent herein, who was arrayed as the sole respondent in that writ petition was directed to take appropriate decision within fifteen days, thereafter, in the light of the order dated 22.09.2014 made in W.A.(MD) No.1132 of 2014.

3. The 2nd respondent has addressed a letter in Ref.No.TNMC /G-193/2015 dated 20.04.2015 to the 5th respondent stating that the list of candidates numbering 123 have been registered provisionally on 21.04.2015 and they are entitled to do internship at the College/Hospital of the 5th respondent institution for a period of one year (10.04.2015 to 09.04.2016) as per the order passed in the above said writ petition.

4. It is stated by the 5th respondent in the counter that suppressing the above said fact, the petitioner has filed M.P.No.1 of 2015, in this writ petition and got the very same order.

5. The 5th respondent on merits of the case, would contend that as per the rule, petitioner has to get No Objection Certificate from the petitioner's college and then approach the Christian Medical college, Vellore and get No Objection Certificate from them and thereafter, they have to get No Objection Certificate from the concerned University viz., the 4th respondent University and approach the Director of Medical Education for transfer and once, he grants transfer, she has to apply to the 2nd respondent herein for provisional registration to do CRRI in a particular college and since none of the above said procedure has been followed by the petitioner, she is not entitled to any relief in this writ petition.

6. It is also contended in the counter that student is not entitled for migration from one college to another as a matter of right and it could be considered only in exceptional cases as well as on compassionate and genuine grounds as per Section 6(1) and (4) of the Medical Council of India Regulations on Graduate Medical Education 1997 and hence, prays for dismissal of this writ petition.

7. Mr.G.Karthikeyan, learned counsel appearing for the petitioner would submit that de hors the period of internship undergone by the petitioner in the 5th respondent institution, she will start her training afresh with Christian Medical College, Vellore, in the event of migration being granted and on account of personal reasons and unforeseen difficulties only, the petitioner is seeking transfer to the said institution and prays for appropriate orders.

8. The learned standing counsel appearing for the 5th respondent has brought to the notice of this Court the letter No.1496/Dean/MBBS/CMCH&RC written by the Dean of the 5th respondent institution dated 04.07.2015, wherein, the personal difficulties faced by the petitioner has been sympathetically considered and a decision has been taken to issue No Objection Certificate to her to do CRRi in Christian Medical College, Vellore and since, the No Objection Certificate has been granted purely on account of humanitarian reason, it may not be cited as a precedent in any other future case. The copy of the letter produced before the Court, shall form part of the record.

9. This Court has carefully considered the rival submissions and also perused the materials placed before it.

10. In the light of the subsequent development and the fairness executed by the 5th respondent institution, conceding to the request made by the petitioner on account of humanitarian grounds, the writ petition is disposed of by recording the fact that the 5th respondent has given its No Objection Certificate vide letter dated 04.07.2015 in favour of the petitioner to do CRRi in Christian Medical College, Vellore. The petitioner is also at liberty to approach the 5th respondent institution for collecting the certificates regarding two months CRRi training undergone by the petitioner in the 5th respondent institution and the provisional pass certificate within a period of one week from the date of receipt of a copy of this order, by submitting an application/representation and the 5th respondent on receipt of the same, is directed to consider the said representation in the light of the orders passed in this writ petition and provide her with the above certificates within a period of one week thereafter.

11. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Secretary to Government
Health & Family Welfare Department Fort St.
George Chennai - 600 009.

2 The President,
Tamil Nadu Medical Council
No.914 Poonamalle High road
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5 The Dean
Chennai Medical College Hospital & Research
Centre Irungalur Trichy - 621 105.

1 cc to Mr. Veerakathiravan, Advocate Sr.No.33712

1 cc to M/s.Anand David, Advocate Sr.No.34155

1 cc to Government Pleader.Sr.No.34347

1 cc to Mr. V.P.Raman, Advocate Sr.No.3925

1 cc to M/s.G.Karthikeyan , Advocate Sr.No.9371/15

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