

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.16523 of 2015

and

M.P.No.1 of 2015

Dr.Maithily Thangamani

.. Petitioner

vs

Medical Council of India  
Rep. By its Secretary  
Pocket - 14 Sector - 8  
Dwarka Phase - I  
New Delhi 110 077

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records on the file of the respondent in proceedings No.MCI-203(Gen)/2013/Regn./53198 dated 24.1.2014, and quashing the same and directing the respondent to grant Permanent Registration to the petitioner under Section 13(3) of IMC Act and to pass appropriate orders thereon so as to enable the petitioner to Profess and Practice Medical Profession in India.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.V.P.Raman

ORDER

सत्यमेव जयते

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

2.The petitioner claims that she is a Srilankan National by birth and after completing her Basic School Education at Srilanka, had successfully completed the Medical Course (Doctor of Medicine) at the erstwhile Union of Soviet Socialist Republics (Russia) in Kalinin State Medical Institute between 15.9.1985 and 1.9.1992. According to the petitioner, she subsequently, married to an Indian citizen and is permanently residing with her husband in the present address.

3.The grievance now expressed by the petitioner, is that though she had successfully completed the Medical Education even in the year 1992, the respondent in mis-interpretation of Regulation 3 of the Screening Test Regulations, 2002, has called upon the petitioner to pass the screening test being conducted by the National Board of Examination, New Delhi, so as to enable them to

consider her claim for grant of Permanent Registration under Section 13(3) of the Indian Medical Council Act, 1956. The petitioner, aggrieved by the said act on the part of the respondent, came forward to file this writ petition.

4.Mr.M.Ravi, learned Counsel appearing for the petitioner, would submit that admittedly, the Screening Test Regulations, 2002, are only prospective in nature and therefore, it cannot be made applicable in respect of a person like the petitioner, who has obtained the medical degree from Russia even in the year 1992, and the said aspect has been completely overlooked by the respondent while passing the impugned order, and would further submit that it would suffice to direct the respondent to consider and dispose of the petitioner's representation dated 10.6.2014, in accordance with law, within a stipulated time frame.

5.The Court heard the submissions of Mr.V.P.Raman, learned Standing Counsel appearing for the Medical Council of India.

6.In the light of the submissions made by the learned Counsel appearing for the petitioner, this Court, without going into the merits of the representation, directs the respondent to consider and dispose of the petitioner's representation dated 10.6.2014, in accordance with law, after providing her, an opportunity of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

nsv

To:

The Secretary  
Medical Council of India  
Pocket - 14 Sector - 8  
Dwarka Phase - I, New Delhi 110 077

1 cc to Mr.M.Ravi, Advocate, Sr. 28467

W.P.No.16523 of 2015

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