

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17500 of 2015

S.Gayathri

... Petitioner

Versus

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

.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the respondent to accept the petitioner application 30.04.2015 submitted for enrollment and to issue certificate of provisional registration so as to enable the petitioner to undergo the Compulsory Rotatory Residential Internship (CRRI) in any one of the approved Medical College - Hospital in the State of Tamil Nadu subsequently issue permanent registration certificate on successful completion of CRRI.

For Petitioner : Mr.S.Packiaraj

For Respondent : Mr.Veerakathiravan
Standing Counsel

O R D E R

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

2. The petitioner after successfully completing her Higher Secondary Education, has done her under graduation in medical course in the International University of the Health Sciences, St. Christopher and Nevis and she has successfully completed the same in the year 2010 and thereafter, had also passed "Screening Test for Indian Nationals with Foreign Medical Qualification - September, 2012", conducted by the National Board of Examination.

3. The petitioner would further submit that some of the persons similarly placed had moved the Kerala High Court by filing W.P.(Civil) No.23676 of 2011 and vide order dated 01.10.2012, it was held that the petitioners therein were entitled for grant of provisional registration in the light of the judgment of the Hon'ble

Supreme Court of India, reported in (2011) 11 SCC 748 [Medical Council of India Vs. J.Saai Prasanna and Others]. As against the order passed by the Kerala High Court, Medical Council of India filed an appeal in W.A.No.1981 of 2012 and it was also dismissed on 29.08.2014 and thereafter, no further challenge has been made to the said order passed by the Division Bench of the Kerala High Court.

4. The Medical Council of India in turn issued a circular to the Registrar of all State Medical Councils in India dated 11.02.2015, permitting them to process the application for grant of provisional/permanent registration to all such candidates, who have obtained their degrees from the said institution. The grievance expressed by the petitioner is that inspite of very many orders, the respondent, is not issuing such a certificate and hence, came forward to file this writ petition.

5. The learned counsel for the petitioner has drawn the attention of this Court to the order dated 30.04.2015 passed in W.P.No.12107 of 2015 and would submit that in similar facts and circumstances, this Court has directed the Tamilnadu Medical Council to consider the representation of the petitioner therein to pass appropriate orders permitting him to enroll and grant certificate of provisional registration so as to enable the concerned petitioner to undergo CRRI Course in any one of the 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 and hence, the petitioner may also be conferred with similar benefits.

6. The Court heard the submissions of Mr.Veerakathiravan, learned standing counsel, who appears on behalf of the respondent.

7. It is not in serious dispute that in the light of the Division Bench Judgment of the Kerala High Court, Medical Council of India had issued circulars to the State Medical Councils to take appropriate steps in this regard and this Court in W.P.No.12107 of 2015 has also considered the similar issue and issued a positive direction to the respondent to consider the claim of the petitioner. In the light of the said factual aspects and legal provisions, there cannot be any impediment directing the respondent to do so.

8. In the result, the writ petition is disposed of by directing the respondent to consider the application dated 30.04.2015, submitted by the petitioner, for grant of provisional registration certificate and pass appropriate orders permitting the petitioner to enroll and grant certificate of provisional registration, so as to enable him to undergo CRRI Course in any one of the 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 respondent is directed to do the said exercise 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, is at liberty to move the respondent to consider her claim for permanent registration. No costs.

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s/d-
Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

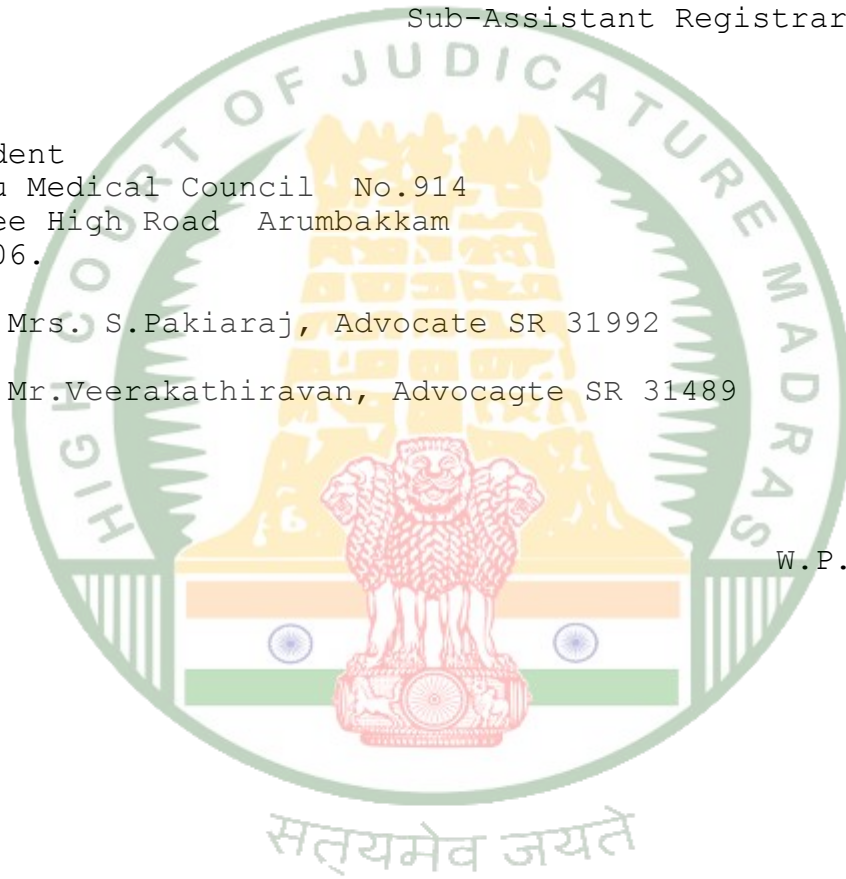
The President
Tamil Nadu Medical Council No.914
Poonamallee High Road Arumbakkam
Chennai-106.

+ 1 cc to Mrs. S.Pakiaraj, Advocate SR 31992

+ 1 cc to Mr.Veerakathiravan, Advocagte SR 31489

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