

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.1753 of 2015

A.S.Soorya, rep by her father .. Petitioner
and power agent S.Arunachalam,

Vs.

1.The President
Medical Council of India
Pocket - 14, Sector -8, Phase-1
Dwarka, New Delhi 110 075.

2.The Manager
Indian Bank
Erukencheri Branch
Chennai 600 118.

..Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the first respondent to issue the Eligibility Certificate under section 12 and 13(4B) of IMC Act, 1956 to the petitioner's daughter A.S.Soorya to pursue M.D.Physician (M.B.B.S.) Course of TVER State Medical Academy, Russia in pursuance of the application along with fees sent through the Educational Consultants called as "Study Abroad" and as acknowledged on 22.07.2013, by the Medical Council of India.

For Petitioner : Mr.M.Baskar

For Respondents : Mr.V.P.Raman - R1

Mr.P.K.Paneerselvam - R2

ORDER

By consent of the learned counsel on either side, the writ petitions are taken up for final disposal.

2.Heard Mr.M.Baskar, learned counsel appearing for the petitioner, Mr.V.P.Raman, learned counsel appearing for the first respondent and Mr.P.K.Paneerselvam, learned counsel appearing for the the second respondent.

3.The petitioner has come forward with this writ petition for issuance of a writ of mandamus to direct the first respondent to issue the Eligibility Certificate under section 12 and 13(4B) of IMC Act, 1956 to the petitioner's daughter A.S.Soorya to pursue M.D. Physician (M.B.B.S.) Course of TVER State Medical Academy, Russia in pursuance of the application along with fees sent through the Educational Consultants called as "Study Abroad" and as acknowledged on 22.07.2013, by the Medical Council of India.

4.The petitioner is pursuing her Medical Education in Russia, the degree which will be awarded by the State Medical Academy, Russia, as M.D. Physician is equivalent to M.B.B.S. degree. The petitioner now seeks for eligibility certificate under sections 12 and 13(4B) of IMC Act, 1956, so that she would be in a position to obtain appropriate financial assistance from the second respondent Bank.

5.The learned counsel appearing for the first respondent submitted that since the petitioner's representation is pending, the same may be directed to be considered. However, the statutory provision requires approval to be obtained prior to the petitioner joining the course.

6.In any event, since a representation is pending, the petitioner should be informed as to the exact state of affairs and as to whether she would be entitled to the eligibility certificate.

7.In the light of the above, without going into the merits of the case, there will be a direction to the first respondent to consider the representation of the petitioner and pass order on merit and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The petitioner is directed to forward a copy of the representation along with the copy of this order to the first respondent forthwith.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/True Copy/

Sub Asst. Registrar

rpa

To

1.The President
Medical Council of India
Pocket - 14,Sector -8, Phase-1
Dwarka, New Delhi 110 075.

2.The Manager
Indian Bank
Erukencheri Branch
Chennai 600 118.

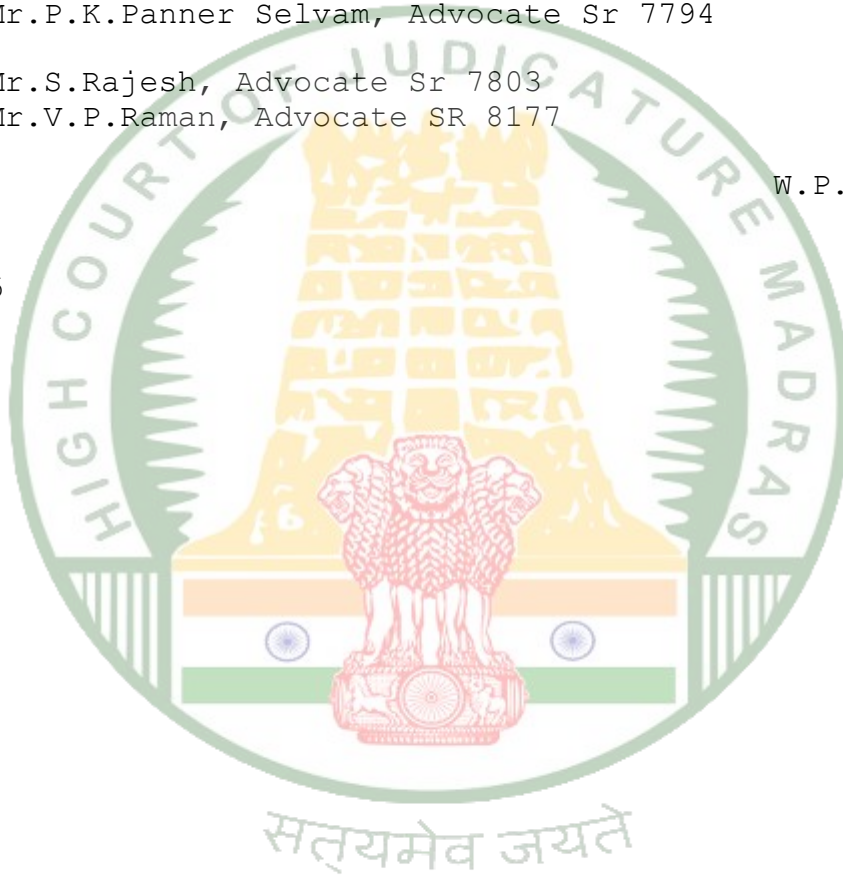
+1 CC to Mr.P.K.Panner Selvam, Advocate Sr 7794

+1 CC to Mr.S.Rajesh, Advocate Sr 7803

+1 CC to Mr.V.P.Raman, Advocate SR 8177

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KK(CO)
PKS
21/02/2015



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