

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2428/2015

Dr.C.M.Kirubakaran

..Petitioner

Versus

1.The Secretary to Government
Ministry of Health & Family Welfare
Nirman Bhawan, C Wing
New Delhi 110001.

2.The Secretary
Medical Council of India
Pocket-14, Sector-8, Dwarka
New Delhi 110077.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 25.10.2013 requesting to consider his case as special case and permit him to write the Screening Test for the purpose of provisional/permanent registration by the Medical Council of India or the State Medical Councils by granting necessary relaxation and exemption.

For Petitioner :	Mr.P.Rajendran
For R1 :	Mr.N.Ramesh
For R2 :	Mr.V.P.Raman

ORDER

Heard Mr.P.Rajendran, learned counsel for the petitioner and Mr.N.Ramesh, learned counsel appearing for the 1st respondent and Mr.V.P.Raman, learned counsel appearing for the 2nd respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the 1st respondent to consider the petitioner's representation dated 25.10.2013 requesting to consider his case as special case and permit him to write the Screening Test for the purpose of provisional/permanent registration by the Medical Council of India or the State Medical Councils by granting necessary relaxation and exemption.

3. According to the petitioner, he has completed MBBS course in a foreign University and the Medical Council of India has not permitted the petitioner to take the Screening test. The said order was challenged by the petitioner by filing a writ petition before this Court in WP.No.294/2012 and the said writ petition was withdrawn by him and he has now made a representation before the respondents seeking for exemption. The petitioner has pursued his +2 course and in the said course, Biology was not one of the subjects.

4. In such circumstances, this Court cannot issue a direction to the respondents to consider his representation and it is a policy decision of the respondents to fix the eligibility.

5. Accordingly, the writ petition is disposed of giving liberty to the petitioner to pursue his representation dated 25.10.2013 before the respondents. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

1. The Secretary to Government
Ministry of Health & Family Welfare
Nirman Bhawan, C Wing
New Delhi 110001.

2. The Secretary
Medical Council of India
Pocket-14, Sector-8, Dwarka
New Delhi 110077.

+ 1 cc to Mr.P.Rajendran, Advocate Sr.5872
+ 1 cc to Mr.N.Ramesh, Advocate Sr.5521

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