

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

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THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.Nos.30997, 32743 and 32768 of 2015
and
M.P.Nos.1 of 2015

P.Lavanya ...Petitioner in W.P.No.30997 of 2015

J.Sujil ...Petitioner in W.P.No.32743 of 2015

M.Shanmughapriya ...Petitioner in W.P.No.32768 of 2015

Vs.

1. The Government of Tamilnadu,
represented by its Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009,
2. The Medical Council of India,
rep.by its Secretary,
Sector 8, Dwaraka Phase-I,
New Delhi - 110 077,
3. The Tamilnadu Medical Council,
rep.by its President,
No.914, Poonamalle High Road,
Arumbakkam,
Chennai - 600 106,
4. The Tamilnadu Dr.M.G.R.Medical University,
rep.by its Registrar,
No.69, Anna Salai,
Guindy,
Chennai - 600 032,

5. The Dean,
Melmaruvathur Adhiparasakthi
Institute of Medical Sciences & Research,
Melmaruvathur,
Kancheepuram District- 603 319.

6. Union of India, rep.by the
Secretary, Ministry of Health
& Family Department,
New Delhi.

...Respondents in all W.Ps

Respondent No.6 is impleaded as a party
in W.P.No.30997 of 2015 as per order
dated 29.10.2015 in M.P.No.2 of 2015
in W.P.No.30997 of 2015.

Prayer: Writ Petition in W.P.No.30997 of 2015 is filed
under Article 226 of The Constitution of India praying for the
issuance of a Writ of mandamus to direct the respondents 1, 2
and 3 to recognize the petitioner's M.B.B.S. Degree Course
completed during 2009-2014 issued by the 4th respondent as
recognized medical qualification and consequently register the
petitioner in the State medical register and issue permanent
registration certificate to the petitioner.

Writ Petition in W.P.No.32743 of 2015 is filed under
Article 226 of The Constitution of India praying for the
issuance of a Writ of mandamus to direct the respondents 1, 2, 3
and 6 to recognize the petitioner's M.B.B.S. Degree Course
completed during 2009-2014 issued by the 4th respondent as
recognized medical qualification and consequently register the
petitioner in the State medical register and issue permanent
registration certificate to the petitioner.

Writ Petition in W.P.No.32768 of 2015 is filed under
Article 226 of The Constitution of India praying for the
issuance of a Writ of mandamus to direct the respondents 1, 2, 3
and 6 to recognize the petitioner's M.B.B.S. Degree Course
completed during 2009-2014 issued by the 4th respondent as
recognized medical qualification and consequently register the
petitioner in the State medical register and issue permanent
registration certificate to the petitioner.

For Petitioner : Mr.A.D.Jagadish Chandira
in W.P.No.30997
of 2015

For Petitioner : Mr.S.Shrenik Raj
in W.P.Nos.32743
and 32768 of 2015

For Respondents : Mr.A.Kumar, Spl.Govt.Pleader
in all W.Ps for Respondent No.1
Mr.V.P.Raman
for Respondent No.2
Mr.Anand David for R.4
Mr.A.S.Balan for R.5
Mr.B.Ramaratnam, CGSC for R.6

COMMON ORDER

The petitioners were admitted to the M.B.B.S. Degree Course in the 5th respondent College during the year 2009 and now they completed the course including the Compulsory Rotatory Residential Internship. However, in view of the action taken against the 5th respondent College by the Medical Council of India, the qualification of the petitioners was not recognised though they were admitted during the period in which permission was granted. Therefore, the present writ petitions have been filed for the relief of Writ of mandamus to direct the respondents to recognize the petitioner's M.B.B.S. Degree Course completed during 2009-2014 issued by the 4th respondent as recognized medical qualification and consequently register the petitioner in the State medical register and issue permanent registration certificate to the petitioner.

2. The issue involved in these writ petitions is no longer res integra, as considering the similar students, in which all the respondents were parties, this Court in W.P.No.16812 of 2015 by order dated 11.9.2015 was pleased to pass the following order:

''17. Accordingly, the 2nd respondent is directed to send his recommendations to the 6th respondent by only taking into consideration of the piquant situation in which the petitioners and other students joined in the year 2009-10 are placed, within a period of four weeks from the date of receipt of copy of this order and based on the same, the 6th respondent will have to pass appropriate orders to include the petitioners along with the 5th respondent for the relevant year within a period of eight weeks thereafter, thus making it clear that it is applicable only to the students who joined in that particular year. The order passed in the writ petition may also be made applicable to the students who joined in the year 2008-09, as they are also similarly placed. This direction, though positive in nature, is passed also by taking note of the decision taken by the 2nd respondent in respect of Shri Satya Sai Medical College, which was duly accepted by the 6th respondent. Insofar as the next batch of students after the petitioners are concerned, the respondents viz., particularly, the 2nd respondent will have to take appropriate decision in consultation with the other respondents, if so required. As the petitioners would be deprived from being considered for the P.G. Course, the respondents are directed to permit the petitioners to take part in the selection process of the said P.G.Course, as if they have valid and recognised degree. Considering the facts of the case, this Court is of the view that the 2nd respondent could have been more diligent while deciding not to recognise the Degrees, by taking appropriate steps to protect the interests of the students and so is the case of the other respondents. Therefore, this Court deems fit that it would be appropriate for the 2nd respondent to take appropriate steps much in advance in future when a similar situation might arise.

18. The writ petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed.''

3. In view of the admitted position, the above said order would be applicable to the cases on hand. Therefore, these writ petitions stand disposed of on the above said terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Health and Family Welfare Department,
Government of Tamilnadu,
Fort St.George, Chennai - 600 009.
2. The Secretary,
Medical Council of India,
Sector 8, Dwaraka Phase-I,
New Delhi - 110 077.
3. The President,
Tamilnadu Medical Council,
No.914, Poonamalle High Road,
Arumbakkam, Chennai - 600 106.
4. The Registrar,
Tamilnadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
5. The Secretary, Ministry of Health
& Family Department,
Union of India, New Delhi.

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1 CC to M/s. Veera Kathivaran, Advocate SR.No. 59397

2 CCs to Mr.S.Shrenik Raj, Advocate SR.No. 59045, 59046

3 CCs to Mr.V.P.Raman, Advocate SR.No. 59337, 59337, 59340

1 CC to Mr.A.D.Jagadish Chandira, Advocate SR.No. 59045

W.P.Nos.30997, 32743
and 32768 of 2015

RSI (CO)
PSI (02.11.2015)



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