

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. No. 12685 of 2015

1. R. Varun Maurya
2. V. Poornam Naveena
3. R. Prem Richardson
4. P. Saradha
5. A. Bennett Philip
6. K. Bhuvanandhini
7. M. Priyadarshini
8. K. Bhavana
9. M. Devibala @ Divya ... Petitioners

Versus

1. The State of Tamil Nadu
represented by its Secretary to Government
Health and Family Welfare Department
Fort St. George
Chennai - 600 009
2. The Tamil Nadu Medical Council
rep. by its President
No.914, Poonamallee High Road
Arumbakkam, Chennai - 600 106
3. The Medical Council of India
rep. by its Secretary
Sector 8, Dwaraka Phase I
New Delhi - 110 077
4. The Tamil Nadu Dr. M.G.R. Medical University
rep. by its Registrar
No.69, Anna Salai, Guindy
Chennai - 600 032
5. Melmaruvathur Adhi Parasakthi Institute
of Medical Sciences and Research
represented by its Dean
Kanchipuram District .. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuing a Writ of Mandamus directing the second respondent to grant temporary registration certificate to

the petitioners to undergo Compulsory Rotary Residential Internship (CRRI) training in the fifth respondent college or in any other approved medical college hospital within Chennai to complete the training on or before 31.03.2016 in terms of the results declared in the fourth respondent's web site for the final year (part-II) M.B.B.S. course so as to enable them to pursue their post graduation degree.

For Petitioner :Mr. S. Parthasarathy

For Respondents :Mrs. P. Rajalakshmi
Government Advocate for R1

Mr. Veerakathiravan for R2

Mr. V.P. Raman for R3

Mr. Anand David for R4

ORDER

The petitioners, who have successfully completed their M.B.B.S. degree in the fifth respondent institution, seeks for issuance of a Mandamus to direct the second respondent to grant temporary registration certificate to the petitioners to undergo Compulsory Rotary Residential Internship (CRRI) training in the fifth respondent college or in any other approved medical college hospital within Chennai to complete the training on or before 31.03.2016 in terms of the results declared in the fourth respondent's web site for the final year (part-II) M.B.B.S. course so as to enable them to pursue their post graduation degree.

2. The petitioners in the above writ petitions have pursued M.B.B.S. degree in the fifth respondent college having been admitted either in the government quota or in the management quota. At the time of their selection and admission in the M.B.B.S. degree course during the year 2010-2011, the fifth respondent college, where they were admitted, has been duly approved by the Medical Council of India/third respondent as well as the fourth respondent. It is the specific contention of the petitioners that they have completed the final year course and their results have also been declared by the fourth respondent university on 20.03.2015 indicating that they have passed the M.B.B.S. course. When once the petitioners have been declared pass, the petitioners are entitled to and are eligible to undergo CRRI training (internship) in the fifth respondent college for one year. According to the petitioners, they have to undergo the mandatory internship which alone would enable them to write the All India Post Graduate Medical Entrance Examination or Tamil Nadu Post Graduate Medical Entrance

Examination. According to the petitioners, unless they commence and complete such internship on or before 31.03.2016, they will lose one full academic year. It is the contention of the petitioners that the fourth respondent has issued provisional certificates and recommended to the second respondent to issue temporary registration certificate to the petitioners to enable them to undergo the CRRI training in the fifth respondent college. According to the petitioners, the students who have passed M.B.B.S. degree have to undergo the CRRI training within a month from the date of publication of the final year (Part-II) examinations failing which they should submit an application to the fourth respondent for condonation of delay by assigning reason for not commencing the internship within the stipulated time. However, the petitioners were not permitted to undergo the training in spite of their representation. They were prevented from undergoing the training without assigning any reason. It is mainly contended on behalf of the petitioners that their results have been declared and they have passed the M.B.B.S. course, while so, there is no embargo for the respondents institution to issue the registration certificate to them so as to enable them to undergo the internship for one year which alone would facilitate them to either seek for admission for admission to post graduate courses by writing the All India Post Graduate Medical Entrance Examination. The petitioners therefore pray this Court to issue appropriate direction to the respondents to grant temporary registration of MBBS provisional pass certificate in favour of the petitioners and to permit them to undergo CRRI training (internship) during the academic year 2016-2017 in the fifth respondent institution or in any other approved medical institution to enable them to complete CRRI training.

3. The learned counsel appearing for the petitioners placed heavy reliance on the earlier order passed by this Court on 19.04.2015 in WP No. 10226 of 2015 etc., batch of cases. By the said order, this Court had an occasion to consider identical claim made by the students who have completed the M.B.B.S. degree during April 2015. According to the learned counsel appearing for the petitioners, a direction may be issued to the respondents in line with the earlier order passed by this Court on 19.04.2015 especially when the petitioners herein are also similarly placed.

4. On the above submission of the counsel for the petitioners, this Court heard the respective counsel appearing for the respondents.

5. When the writ petition was taken up for hearing on 28.04.2015, this Court granted an interim direction directing the second respondent/Tamil Nadu Medical Council, Chennai to grant necessary provisional registration for all the petitioners

to continue or undergo the mandatory Compulsory Rotatory Resident Internship (CRRI) Training, however, it was made clear that the grant of interim relief would not entitle the petitioners to claim permanent enrolment in the State Medical Register, under Section 15(1) of the Indian Medical Council Act, 1956 and the interim order would be subject to the final orders to be passed in the writ petition.

6. Today, when the writ petition is taken up for hearing, the learned counsel for the petitioners submitted that the General Body of the Medical Council in the meeting held on 30.03.2016 approved the recommendation of the Executive Committee to recognise the MBBS degree for the batch of students admitted in the year 2010-2011. Further, the third respondent in his proceedings dated 31.03.2016 requested the Secretary, Government of India to issue necessary notification in this regard. A copy of the proceedings dated 31.03.2016 has also been produced for perusal of this Court.

7. In view of the submissions made by the learned counsel for the petitioners and in the light of the proceedings dated 31.03.2016 issued by the third respondent/Medical Council of India, I am of the opinion that there is no need for this Court to issue any further direction in this writ petition.

8. Hence, by recording the submissions made by the learned counsel for the petitioners as well as the third respondent, this writ petition is closed. No costs. Consequently, connected MP No.1 of 2015 is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

2. The President,
The Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.

3. The Secretary ,
The Medical Council of India,
Sector 8, Dwaraka Phase I,
New Delhi - 110 077.

4. The Registrar,
The Tamil Nadu Dr. M.G.R. Medical University ,
No.69, Anna Salai, Guindy,
Chennai - 600 032.

+1cc to Mr.S.Parthasarathy, Advocate Sr.24761

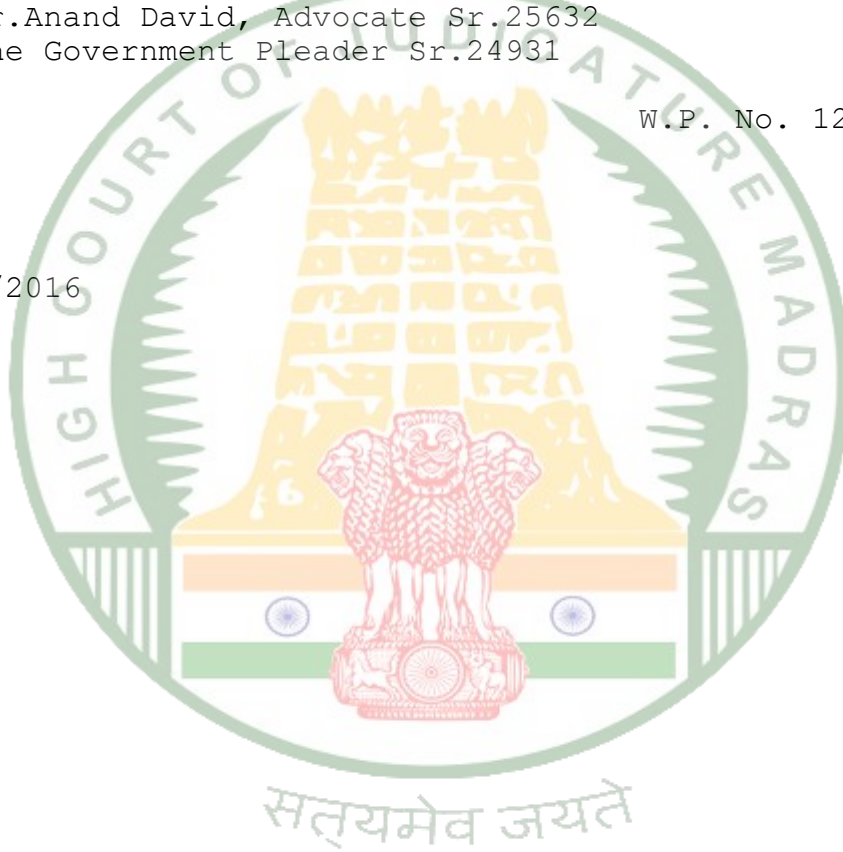
+1cc to Mr.V.P.Raman, Advocate sR.25708

+1cc to Mr.Anand David, Advocate Sr.25632

+1cc to the Government Pleader Sr.24931

W.P. No. 12685 of 2015

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