

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-04-2016

CORAM :

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition Nos. 9947, 9948, 9949, 9950, 10027, 10028, 10029,
10030,
10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038, 10039,
10040, 10041, 10042, 10043, 10044, 10045, 10046, 10116, 10117,
10118, 10119, 10120, 10121, 10122, 10123, 10124, 10226,
10333 and 10351 of 2015
Writ Petition No. 14317 of 2016
and
W.M.P. No. 13644 and 12504 of 2016

V.Manoj Prabhakar	...Petitioner in WP.9947/2015
S.Srilakshmi	...Petitioner in WP.9948/2015
S.Sibichakkravarthy	...Petitioner in WP.9949/2015
J.N.Nivedha	...Petitioner in WP.9950/2015
S. Premkumar	...Petitioner in WP.10027/2015
T.K.Aravind	...Petitioner in WP.10028/2015
S.A.Sumiah	...Petitioner in WP.10029/2015
V.M. Vimala Priyadershini	...Petitioner in WP.10030/2015
Anjana Elangovan	...Petitioner in WP.10031/2015
S.Sneha Aishwarya	...Petitioner in WP.10032/2015
T. Navaneetham	...Petitioner in WP.10033/2015
M. Arun Prasad	...Petitioner in WP.10034/2015
J.Nishit Kakka	...Petitioner in WP.10035/2015
S.Dheepa	...Petitioner in WP.10036/2015
Sneha .V	...Petitioner in WP.10037/2015
Sharmila.S	...Petitioner in WP.10038/2015
S.Sri Viji	...Petitioner in WP.10039/2015
M. Kalaivani	...Petitioner in WP.10040/2015
R.Hannah shiny	...Petitioner in WP.10041/2015
R. Gayathiri	...Petitioner in WP.10042/2015
C. Harini Sri	...Petitioner in WP.10043/2015
S. Dhivya	...Petitioner in WP.10044/2015
C. Sarenaya	...Petitioner in WP.10045/2015
H. Sitthi Hafila	...Petitioner in WP.10046/2015
Hazelinie Ashwita Lobo	...Petitioner in WP.10116/2015
A. Sneha	...Petitioner in WP.10117/2015
Fathima Seles.M	...Petitioner in WP.10118/2015
V. Nihad Fathima	...Petitioner in WP.10119/2015
V. Musanna Fathima	...Petitioner in WP.10120/2015
S. Sarvath Naveen	...Petitioner in WP.10121/2015
K.Rajashree	...Petitioner in WP.10122/2015
B. Bhavani	...Petitioner in WP.10123/2015
Rajendran R. Subbiah	...Petitioner in WP.10124/2015

1. J.Dinesh Kumar
(Regn. No. 52108335)
2. R.N.Avinash
(Regn. No. 52108323)
3. A.Kavitha
(Regn. No. 52108356)
4. R. Saravanakumar
(Regn. No. 52108414)
5. P.B.Nandhini
(Regn. No. 52108377)
6. S.Sridevi
(Regn. No. 52108434)
7. N.Nishokraj
(Regn. No. 52108386)
8. B.Vinodhini
(Regn. No. 52108450)
9. C.A.Rashmika
(Regn. No. 52108403)
10. S.Tamilrasiya
(Regn. No. 52108441)
11. S.M.Brindha
(Regn. No. 52108327)
12. M.Aravindan
(Regn. No. 52108315)
13. M.Mohammed Jaffer Sherif
(Regn. No. 52108372)
14. V.S.Vimalesh
(Regn. No. 52108448)
15. R.Saranya
(Regn. No. 52108413)
16. R.Neethu Shanmugi
(Regn. No. 52108383)
17. T.Abirami
(Regn. No. 521083307)
18. R.Jayapreeti
(Regn. No. 52108350)



19.G.R.Sri Vardhani
(Regn. No.52108433)

20.G.Anusuya
(Regn. No.52108311)

21.T.Devi
(Regn. No.52108329)

22.S.Naveen
(Regn. No.52108382)

23.T.Pradeep
(Regn. No.52108390)

24.V.Dinesh
(Regn. No.52108334)

25.A.M.Shagirunisha Rizavana
(Regn. No.52108417)

26.M.Sivaranjani
(Regn. No.52108426)

27.E.Sruthika
(Regn. No.52108436)

28.N.Keerthana Devi
(Regn. No.52108357)

29.A.Roshini
(Regn. No.52108405)

30.Aarya C. Arjun
(Regn. No.52108303)

31.Aafrin Akbar
(Regn. No.52108301)

32.G.Thennarasi
(Regn. No.52108442)

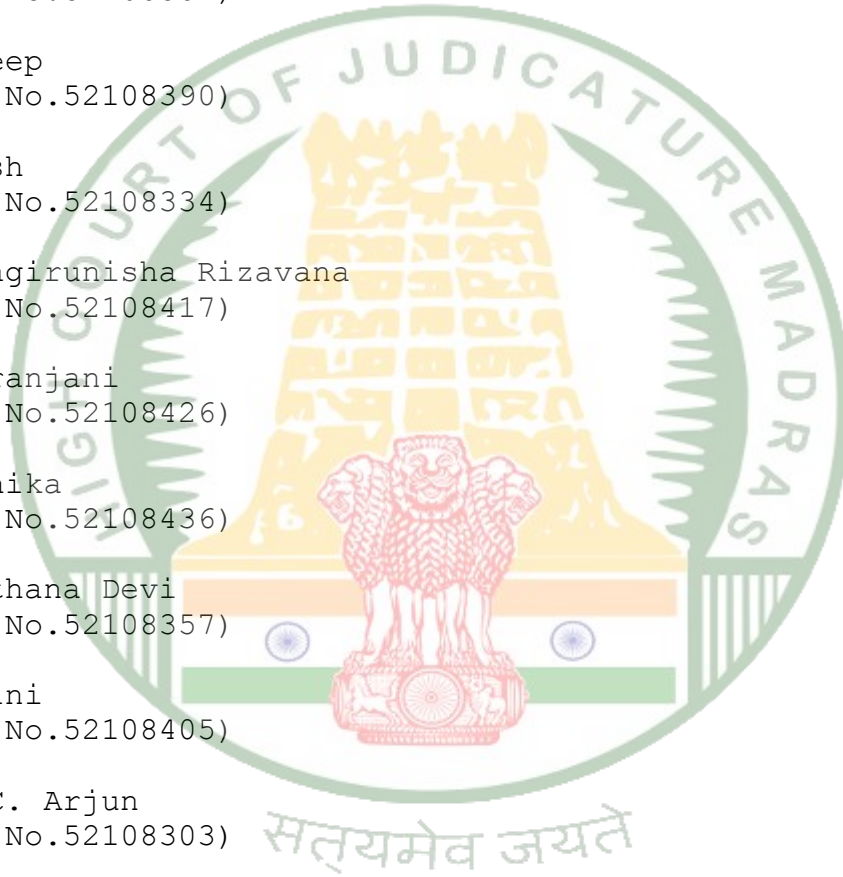
33.Aparna Ravikumar
(Regn. No.52108312)

34.T.Qurathulain
(Regn. No.52108398)

35.D.Aarthi
(Regn. No.52108302)

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36.T.V.S.Dhilagesh Varma
(Regn. No.52108406)



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37.R.Sivanthi Sapna
(Regn. No.52108427)

38.V.Sundari
(Regn. No.52108438)

39.P.Kaushika
(Regn. No.52108355)

40.P.Pradeep
(Regn. No.52108389)

41.R.Dhanya Shanmuga Priya
(Regn. No.52108330)

42.G.Naveen
(Regn. No.52108381)

43.R.Kishore Kumar
(Regn. No.52108362)

44.R.Dinesh Kumar
(Regn. No.52108336)

45.M. Bala Subramaniam
(Regn. No.52108325)

46.A.Inbaraja
(Regn. No.52108347)

47.Narayanan Annie Sharon Priyanka
(Regn. No.52108379)

48.M.Maheswari
(Regn. No.52108366)

49.T.V.Krishna
(Regn. No.52108364)

50.J.D.Prem Jerusha
(Regn. No.52108394)

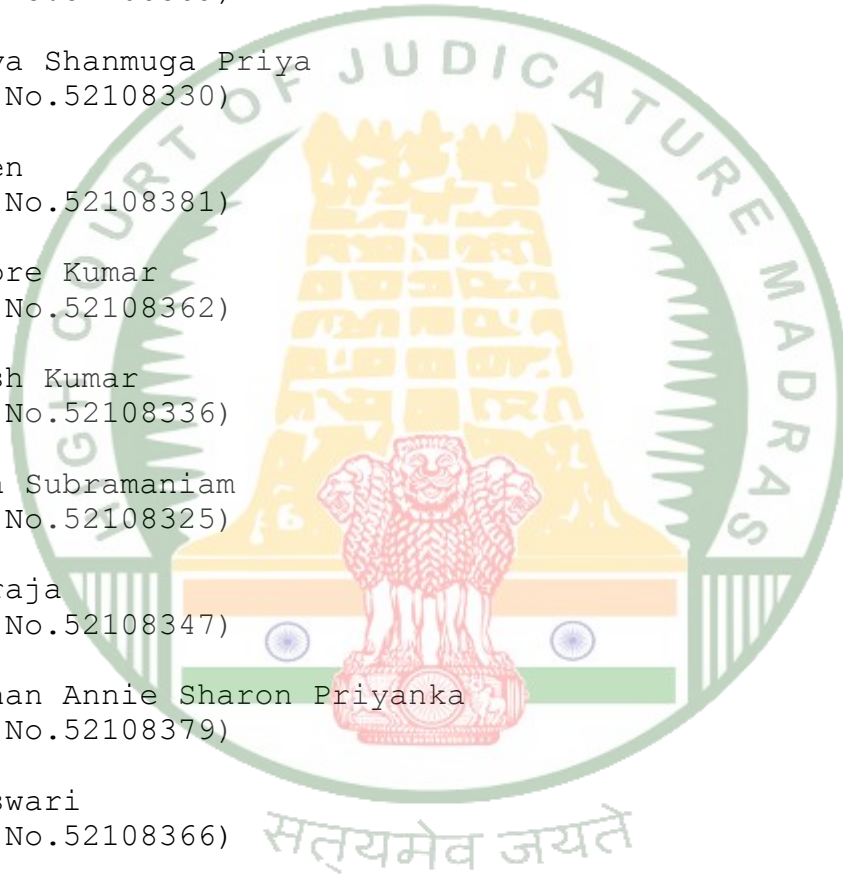
51.M.Nandhini
(Regn. No. 52108376)

52.J.Karthik
(Regn. No.52108361)

53.R.Poornima Priya
(Regn. No.52108388)

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54.K.Rajesh
(Regn. No.52108401)



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55.B.Shruthi
(Regn. No.52108421)

56.C.Sangeetha Kala
(Regn. No.52108409)

...Petitioners in WP.10226/2015

1. Anton Dev X
(Regn. No. 52108310)

2. Monisha R.V.
(Regn. No. 52108374)

3. Lokeshwar V.
(Regn. No. 52108365)

4. Sathish Kumar R.
(Regn. No. 52108416)

5. Aathithiya Balaji P.
(Regn. No. 52108304)

6. Manoj Kumar R.
(Regn. No. 52108367)

7. Arjun Raj C.
(Regn. No. 52108317)

8. Abhinav V.
(Regn. No. 52108305)

9. Rajarajan V.
(Regn. No. 52108399)

10.Arjun R.
(Regn. No. 52108316) सत्यमेव जयते

11.Kapil P.
(Regn. No. 52108354)

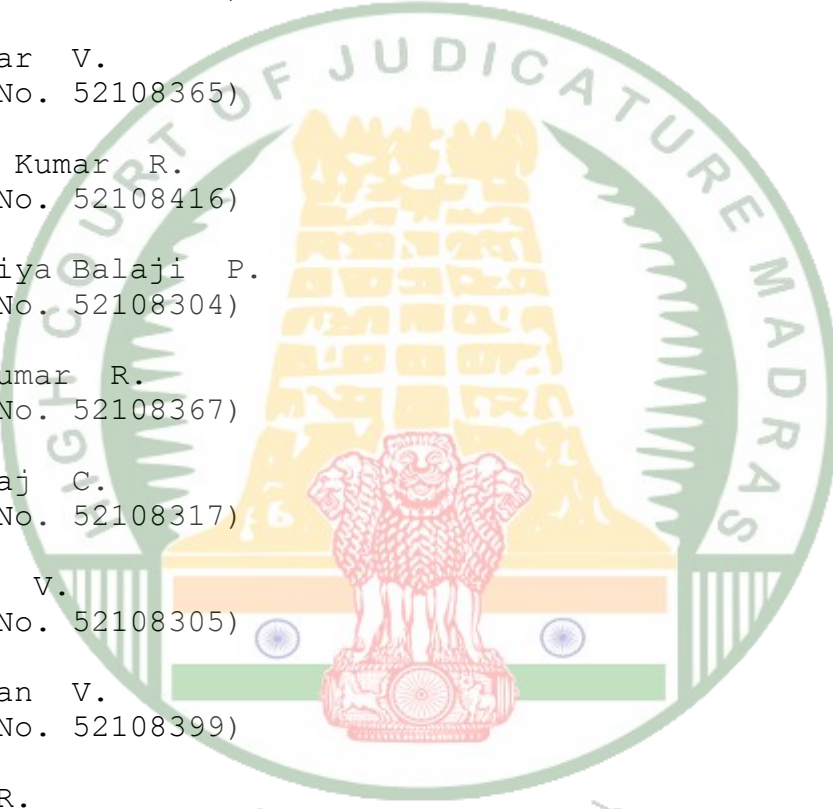
12.Gokulakrishnan S.
(Regn. No. 52108340)

13.Sandravelu T.
(Regn. No. 52108408)

14.Harshini U.
(Regn. No. 52108345)

15.Umreen A.
(Regn. No. 52108443)

16.Deepika V.
(Regn. No. 52108328)



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17. Priyaa Catherine K.
(Regn. No. 52108396)
18. Preethi K.
(Regn. No. 52108393)
19. Keerthi Deepak T.
(Regn. No. 52108359)
20. Athiban Siva Subin D.A.
(Regn. No. 52108322)
21. Vineeta Debbie Nesam J.
(Regn. No. 52108449)
22. Santhosh R.
(Regn. No. 52108411)
23. Prasanth P.
(Regn. No. 52108391)
24. Aravind V.
(Regn. No. 52108314)
25. Arvind L.
(Regn. No. 52108320)
26. Jenisha J.V.
(Regn. No. 52108351)
27. Priyanka N.V.
(Regn. No. 52108397)
28. Asmitha V.M.
(Regn. No. 52108321)
29. Merin Printha X.
(Regn. No. 52108370)
30. Sindhulakshmi S.
(Regn. No. 52108424)

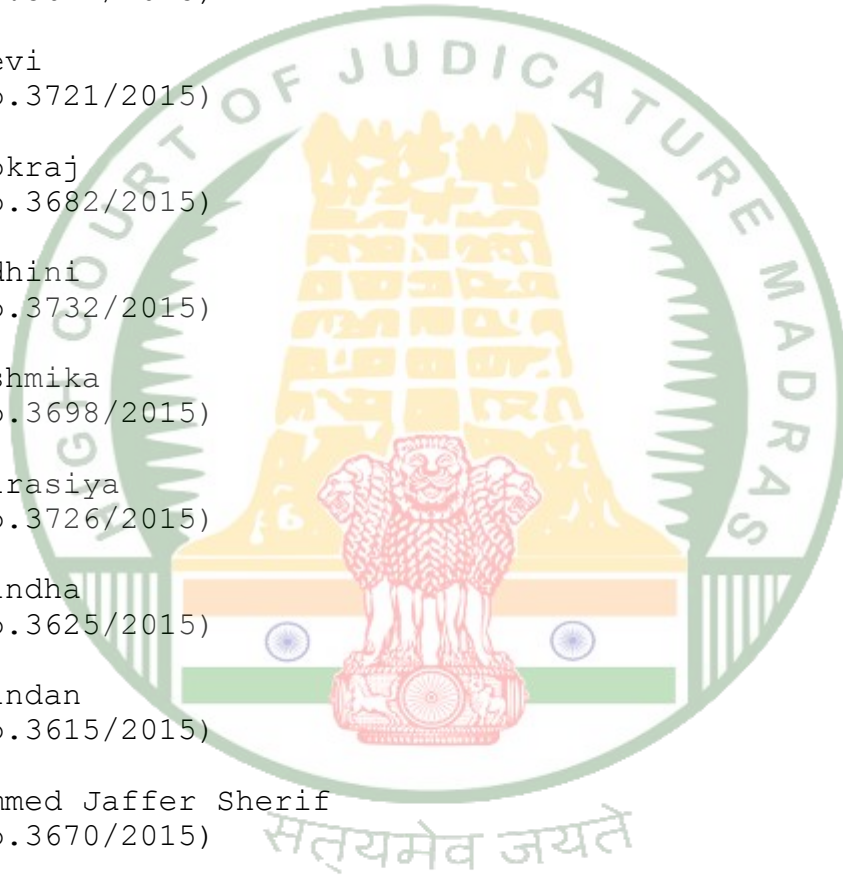
All pursued MBBS Course in
Sri Muthukumaran Medical College Hospital &
Research Institute
Kunrathur Road Chikkarayapuram Ch-69

...Petitioners in WP.10333/2015

R.B.Grashia Pakia Stary

...Petitioner in WP.10351/2015

2. R.N.Avinash
(P.R.No.3632/2015)
3. T.V.S.Dhilagesh Varma
(P.R.No.3700/2015)
4. R.Saravanakumar
(P.R.No.3702/2015)
5. P.B.Nandhini
(P.R.No.3674/2015)
6. S.Sridevi
(P.R.No.3721/2015)
7. N.Nishokraj
(P.R.No.3682/2015)
8. B.Vinodhini
(P.R.No.3732/2015)
9. C.A.Rashmika
(P.R.No.3698/2015)
- 10.S.Tamilrasiya
(P.R.No.3726/2015)
- 11.S.M.Brindha
(P.R.No.3625/2015)
- 12.M.Aravindan
(P.R.No.3615/2015)
- 13.M.Mohammed Jaffer Sherif
(P.R.No.3670/2015)
- 14.V.S.Vimalesh
(P.R.No.3730/2015)
- 15.R.Saranya
(P.R.No.3705/2015)
- 16.R.Neethu Shanmugi
(P.R.No.3679/2015)
- 17.T.Abirami
(P.R.No.3608/2015)
- 18.R.Jayapreeti
(P.R.No.3654/2015)
- 19.G.R.Sri Vardhani
(P.R.No.3720/2015)



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20.G.Anusuya
(P.R.No.3611/2015)

21.T.Devi
(P.R.No.3627/2015)

22.S.Naveen
(P.R.No.3678/2015)

23.T.Pradeep
(P.R.No.3686/2015)

24.V.Dinesh
(P.R.No.3631/2015)

25.A.M.Shagirunisha Rizavana
(P.R.No.3733/2015)

26.M.Sivaranjani
(P.R.No.3714/2015)

27.E.Sruthika
(P.R.No.3723/2015)

28.N.Keerthana Devi
(P.R.No.3660/2015)

29.A.Roshini
(P.R.No.3669/2015)

30.Aarya C.Arjun
(P.R.No.3605/2015)

31.Aafrin Akbar
(P.R.No.3603/2015)

32.G.Thennarasi
(P.R.No.3727/2015)

33.Aparna Ravikumar
(P.R.No.3612/2015)

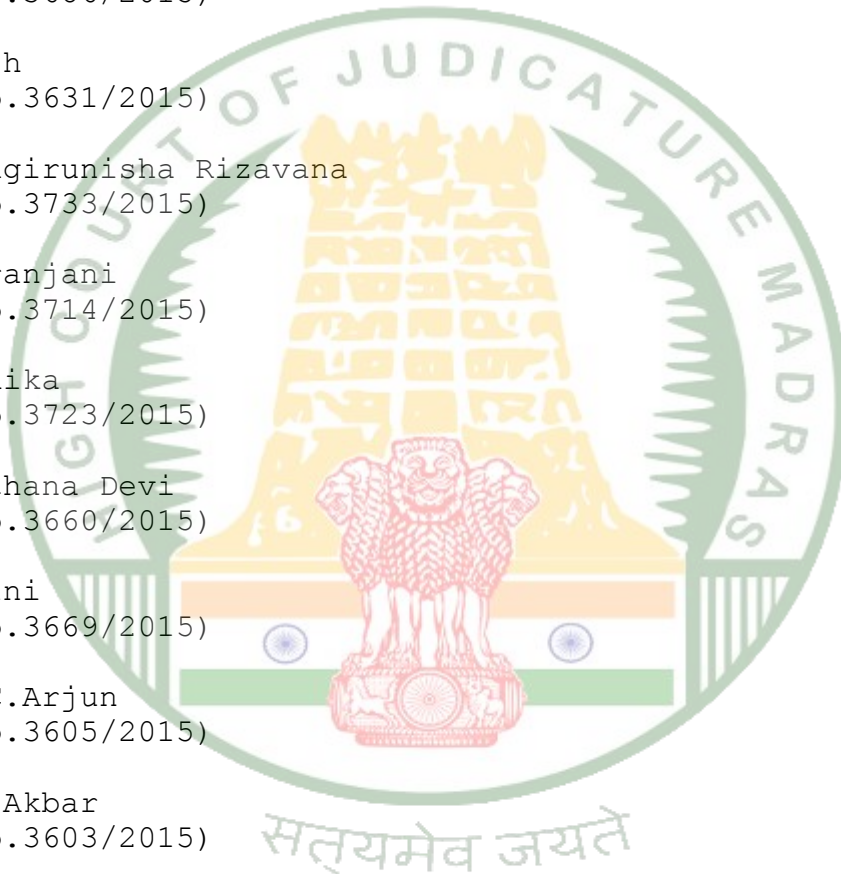
34.T.Quathulain
(P.R.No.3693/2015)

35.D.Aarthi
(P.R.No.3604/2015)

36.A.Kavitha
(P.R.No.3659/2015)

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37.R.Sivanthi Sapna
(P.R.No.3715/2015)



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38.V.Sundari
(P.R.No.3725/2015)

39.P.Kaushika
(P.R.No.3658/2015)

40.P.Pradeep
(P.R.No.3685/2015)

41.R.Dhanya Shanmuga Priya
(P.R.No.3628/2015)

42.R.Kishore Kumar
(P.R.No.3663/2015)

43.R.Dinesh Kumar
(P.R.No.3633/2015)

44.M.Bala subramaniam
(P.R.No.3623/2015)

45.A.Inbaraja
(P.R.No.3653/2015)

46.Narayanan Annie Sharon Priyanka
(P.R.No.3675/2015)

47.M.Maheswari
(P.R.No.3666/2015)

48.T.V.Krishna
(P.R.No.3664/2015)

49.J.D.Prem Jerusha
(P.R.No.3689/2015)

50.M.Nandhini
(P.R.No.3673/2015)

51.J.Karthik
(P.R.No.3662/2015)

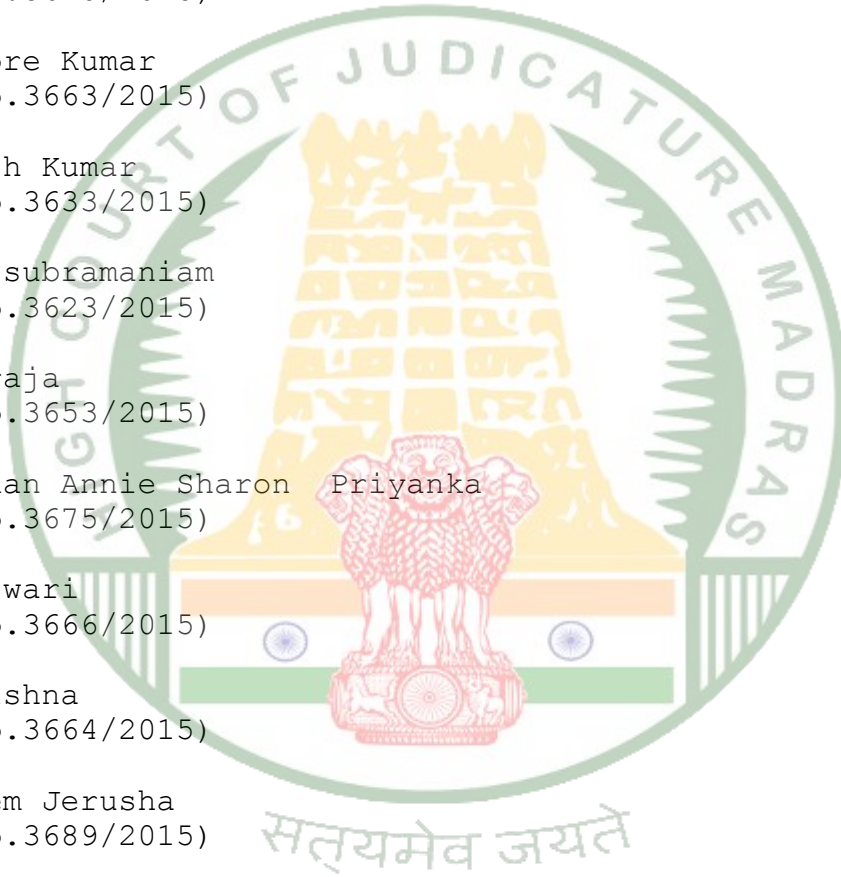
52.R.Poornima Priya
(P.R.No.3684/2015)

53.K.Rajesh
(P.R.No.3696/2015)

54.B.Shruthi
(P.R.No.3710/2015)

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55.C.Sangeetha Kala
(P.R.No.3702/2015)



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56.U.Harshini
(P.R.No.3651/2015)

57.Merin Printha
(P.R.No.3669/2015)

58.R.Santhosh
(P.R.No.3703/2015)

59.V.Deepiak
(P.R.No.3626/2015)

60.V.Lokeshwar
(P.R.No.3665/2015)

61.Asmitha
(P.R.No.3620/2015)

62.P.Aathithya Balaji
(P.R.No.3606/2015)

63.C.Arjuna Raj
(P.R.No.3617/2015)

64.Sathish Kumar
(P.R.No.3708/2015)

65.Sathish Kumar
(P.R.No.3728/2015)

66.V.Abhinav
(P.R.No.3607/2015)

67.R.Manoj Kumar
(P.R.No.3667/2015)

68.V.Raja Rajan
(P.R.No.3694/2015)

69.R.V.Monisha
(P.R.No.3671/2015)

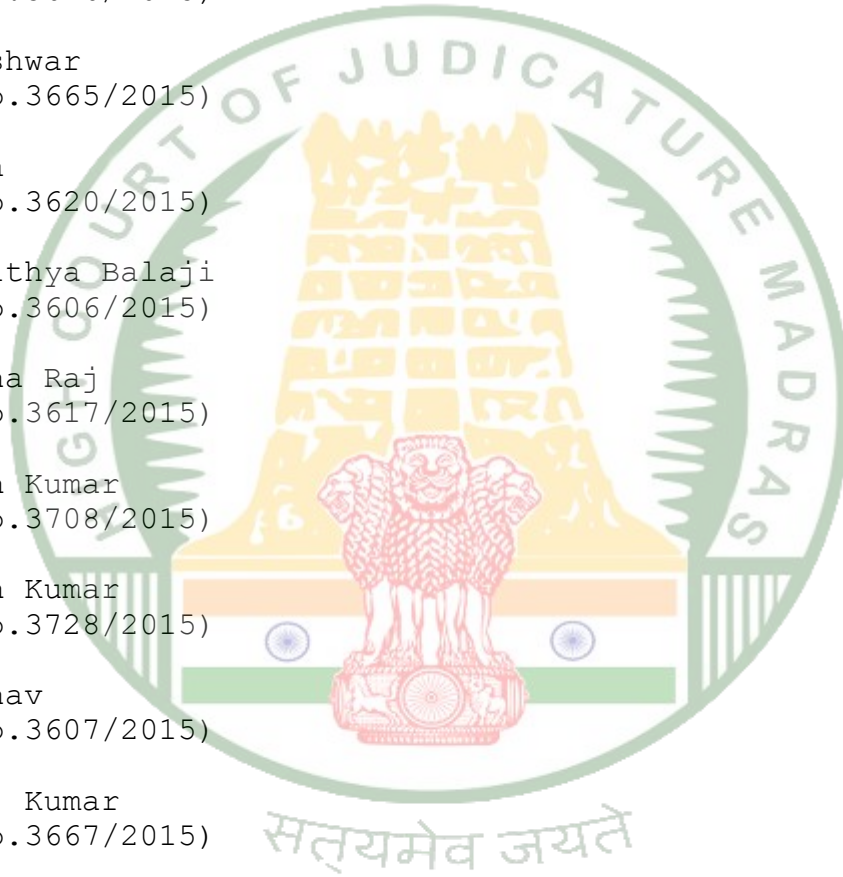
70.Athiban Siva Subin
(P.R.No.3621/2015)

71.Anjana Elangovan
(P.R.No.3609/2015)

72.Vineetha Debbie Nesam
(P.R.No.3731/2015)

<https://hcservices.ecourts.gov.in/hcservices/>

73.Bhavani
(P.R.No.3624/2015)



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74.P.Kapil
(P.R.No.3657/2015)

75.Gokulakrishnan
(P.R.No.3636/2015)

76.K. Preeti
(P.R.No.3688/2015)

77.T.K. Aravind
(P.R.No.3613/2015)

78.Hannah Shiny
(P.R.No.3638/2015)

79.Deepa Senthil Kumar
(P.R.No.3629/2015)

80.Sindhu Lakshmi
(P.R.No.3712/2015)

81.Sandravelu
(P.R.No.3701/2015)

82.Rakendu Puthiedath
(P.R.No.3697/2015)

83.V. Aravind
(P.R.No.3614/2015)

84.P. Prasanth
(P.R.No.3687/2015)

85.Fathima Seles
(P.R.No.3634/2015)

86.T. Keerthi Deepak
(P.R.No.3661/2015)

87.K. Priya Cathirine
(P.R.No.3691/2015)

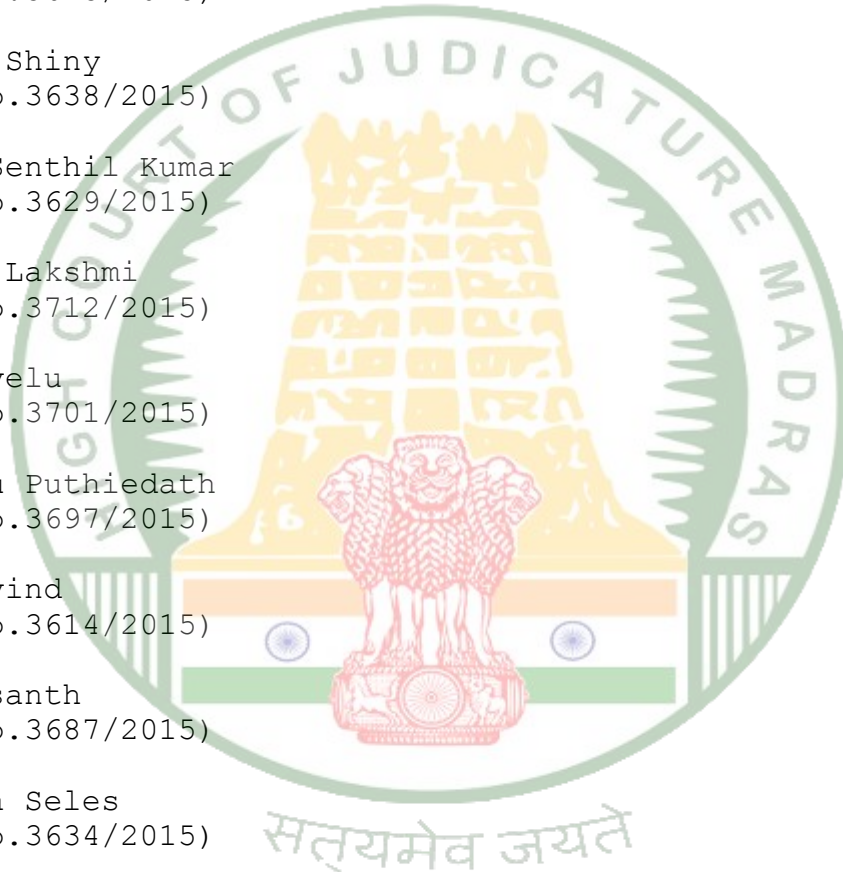
88.Jenisha
(P.R.No.3655/2015)

89.S. Prem kumar
(P.R.No.3690/2015)

90.Anton Dev Xavier
(P.R.No.3610/2015)

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91.R.Arjun
(P.R.No.3616/2015)



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92.N.V. Priyanka
(P.R.No.3692/2015)

93.G. Naveen
(P.R.No.3677/2015)

94.L. Aravind
(P.R.No.3619/2015)

...Petitioners in WP.14317/2016

Vs.

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

...1 to 4 Respondents in WPs.9947 to 9950,
10027 to 10040, 10116 to 10124, 10226 &
10351/2015 & 14317/2016

The Dean
Sri Muthukumaran Medical College Hospital
and Research Institute
Chennai - 600 069

...5th Respondent in WPs.9947 to 9950,
10027 to 10040, 10116 to 10124 & 10351/2015
...6th Respondent in WPs.10226/2015
& 14317/2016

The Trust of Muthukumaran Medical College,
Chancellor of Meenakshi University,
Rep by its Trustee
No.12, Vembuli Amman koil Street,
K.K.Nagar West, Chennai-600 078.

...5th Respondent in WPs.10226/2015
& 14317/2016

1. The Government of Tamil Nadu,
Rep by its Secretary
Health and Family Welfare Department,
Chennai 9.
2. The Tamil Nadu Dr. M.G.R. Medical University,
Rep by its Registrar,
No. 69 Anna Salai,
Guindy, Chennai 32.
3. Medical Council of India,
Rep by its Chairman,
Pocket 14 Sector 18,
Dwarka Phase 1, New Delhi 110 077.
4. Tamil Nadu Medical Council,
Rep by its President
No.914 Poonamallee,
High Road, Arumbakkam,
Chennai 106
5. Sri Muthukumaran Medical
College Hospital & Research Institute,
Rep by its Dean,
Chikkarayapuram, Kunrathur Road,
Chennai 69. ...Respondents in WP.10333/2015

Prayer in W.P.Nos.9947 to 9950, 10027 to 10046 & 10116 to 10124 of 2015 : Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to enable the petitioner, having registration Nos. 52108368, 52108432, 52108423, 52108387, 52108395, 52108313, 52108437, 52108447, 52108309, 52108430, 52108380, 52108318, 52108385, 52108331, 52108429, 52108420, 52108435, 52108353, 52108343, 52108339, 52108344, 52108332, 52108412, 52108425, 52108346, 52108431, 52108337, 52108384, 52108375, 52108415, 52108400, 52108326, 52108402 respectively to obtain permanent registration of M.B.B.S. course with the second respondent by providing him temporary registration certificate with the second respondent and CRRI training during 2015-2016 to be completed before 31st March 2016 in the fifth respondent college or any other approved medical college hospital within Chennai.

Prayer in W.P.No.10226 of 2015 : Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus or order or direction in the nature of mandamus directing the 2nd respondent to grant temporary Registration Certificate to the petitioners to undergo CRRI Training (Internship) in the 6th respondent college or in any other Approved Medical College Hospital within Chennai to complete the training on or before 31.3.2016 in terms of the results declared in the 4th respondent Web Site for the Final Year (Part-II) MBBS Course so as to enable them to pursue their post Graduation Degree.

Prayer in W.P.No.10333 of 2015 : To issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of a writ directing the respondents 1 and 2 herein to forthwith allot the petitioners to suitable Medical Colleges in the State of Tamil Nadu in fulfillment of the Undertaking given by the State Government in the Essentiality Certificate to enable the petitioners herein to obtain their MBBS Degree after successful completion of the Compulsory Rotatory Resident Internship Training.

Prayer in W.P.No.10351 of 2015 : To issue a Writ of Mandamus directing the respondents to permit me to complete (CRR1) in Sri Muthukumaran Medical College or in any other approved Medical College & Hospital within the state of TamilNadu.

Prayer in W.P.No.14317 of 2016 : To issue a Writ of Mandamus or order or direction in the nature of mandamus, directing the respondents 5 & 6 issue Course & Conduct Certificate for the training undergone Compulsory Rotatory Residential Internship (CRR1) in the Institute Provisional Certificate declaring satisfactory completion of M.B.B.S Course & the period of Compulsory Rotatory Internship from the 4th respondent and consequentially direct the respondents 2 and 3 to recognise the M.B.B.S degree course issued by the 4th respondent University as recognised Medical qualification and registered them in State Medical Register by issuing permanent Registration Certificate so as to enable them to peruse Higher post graduate studies in India or Abroad.

For Petitioner in
W.Ps.9047 to 9950 of 2015, : Mr.S.Thankasivan
10027 to 10046 of 2015,
10116 to 10124 of 2015

For Petitioner in
W.Ps.10226/2015 : Mr.G.Ethirajulu
and 14317 of 2016

For Petitioner in : Mr.K.Doraisamy Senior Counsel
W.P.10333 of 2015 for Mr.Kandhan Doraisamy

For Petitioner in : Mr.S.Bharathirajan
W.P.10351 of 2015

For Respondents : Mr. V. Jayaprakash Narayanan
Special Government Pleader for R1
Mr. G. Sankaran for R2
Mr. V.P. Raman for R3
Mr. G. Harihara Arun Somasankar
for R4
Mr. T. Meikandan for R5 in all WPs
and for R6 in WP.10226/2015
and 14317/16

COMMON ORDER

In this batch of writ petitions, the petitioners seek for identical relief. The learned counsel appearing for the respective petitioners as well as the respondents have advanced common arguments. Therefore, the writ petitions are disposed of by this common order.

2. In all these writ petitions, almost identical prayers have been sought for. The petitioners, in unison, have prayed for issuing a direction to the respondents to recognise their M.B.B.S. degree certificate issued by the respective institution in which they have completed the course as recognised Medical qualification and register them in the State Medical Register by issuing permanent registration certificate so as to enable them to pursue Higher Post Graduate studies in India or abroad or to engage themselves in practice as Medical Professional.

3. Pending writ petitions, the petitioners have prayed for an interim direction directing the respondents, particularly the Tamil Nadu Medical Council, Chennai - 600 106 to grant necessary provisional registration to them so as to enable them to continue or undergo Compulsory Rotatory Resident Internship (CRRI) Training forthwith. By an order dated 09th April 2015, this Court issued an interim direction to the following effect:-

"15. In the result, the Miscellaneous Petitions viz., M.P. Nos. 1 to 1 of 2015 are ordered and there shall be an order of ad-interim direction, directing the Tamil Nadu Medical Council, Chennai - 106 to grant necessary provisional registration for all these petitioners to continue or undergo Compulsory Rotatory Resident Internship (CRRI) training and it is made clear that the grant of the said interim relief, would not entitle them to claim permanent enrolment in the State Medical Register under Section 15 (1) of the Indian Medical Council Act, 1956 and this interim orders would be subject to the final orders to be passed in these writ petitions."

4. It is represented that pursuant to the interim order passed by this Court, the petitioners have undergone the mandatory CRRI training after obtaining provisional registration of their M.B.B.S. degree from the Tamil Nadu Medical Council, Chennai.

5. The petitioners in the above writ petitions have pursued M.B.B.S. degree in the respective college of the respondents 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 during 2010-2011, the college where they were

admitted has been duly approved by the Medical Council of India. It is the specific contention of the petitioners that they have completed the final year course during 2014-2015 and their results have also been declared. However, the respective respondents institution in which the petitioners have pursued the MBBS course delayed the issuance of the mark sheet and provisional pass certificates, with the result, the petitioners have downloaded their result from the website of their college which would indicate that the petitioners have been declaring as passed in all the subjects. When once the petitioners have been declared pass, the petitioners are entitled to and are eligible to undergo CRRi training (internship) in the respective 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. Unless they commence and complete such internship on or before 31.03.2016, they will lose one full academic year. According to the petitioners, the delay in issuing the registration certificate to the petitioner's is solely attributable on the part of the respondents institution in which they have pursued the medical course. For the delay on the part of the respondents institution in issuing the registration certificate, they should not be penalised. 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 entitle them to either seek for admission for admission to post graduate courses by writing the All India Post Graduate Medical Entrance Examination. With these averments, the petitioners have filed the above writ petitions before this Court.

6. The learned counsel appearing for the respective petitioners, in unison, placed heavy reliance on the earlier order passed by this Court in the case of (D. Deeyaneswarar and others vs. State of Tamil Nadu, represented by its Secretary, Health and Family Welfare Department, Fort St. George, Chennai and others) reported in 2015 (6) CTC 142 wherein the students who have been admitted in the medical colleges during the year 2009-2010 have approached this Court with identical grievance. This Court, in the above order, issued certain direction to the Medical Council of India to consider the plight of the students and to be diligent while deciding not to recognise the degrees conferred on the students. The learned counsel for the petitioners would submit that since the petitioners have passed the M.B.B.S. degree and also undergone the mandatory CRRi training, there may not be any impediment for the Medical Council of India to recognise the degree conferred on the petitioners, and to consequently to register the same in the permanent register maintained by them so as to enable the petitioners to pursue higher studies

7. The learned counsel appearing for the second respondent as well as the third respondent would contend that the interim order granted by this Court will not enure to the benefit of the petitioners for conferment of permanent registration. Even at the time of granting interim order, this Court has made it clear that it will not entitle the petitioners to claim permanent registration as contemplated under Section 15 (1) of the Indian Medical Council Act. The learned counsel for the respondents 2 and 3 therefore prayed this Court for dismissal of the writ petitions.

8. The learned counsel appearing for Tamil Nadu Dr. M.G.R. Medical University would contend that mere provisional affiliation given to the petitioners without complying with the provisions of Section 11 (2) of the Indian Medical Council Act will not confer them any legal right to seek for permanent registration. The provisional certificates and the mandatory training undergone by the petitioners is on the basis of the interim order passed by this Court. At any rate, registering the names of the petitioners in the permanent registration is subject to fulfilment of several conditions. In other words, the learned counsel objected to the relief sought for in the above writ petitions and prayed for dismissal of the same.

9. I heard the learned counsel appearing for the respective writ petitioners as also the respondents. It is not in dispute that at the time when the petitioners were admitted in the respective educational institution in which they have pursued their medical course during the year 2010-2011, the concerned institution was duly recognised by the Medical Council of India. On the basis of such recognition, the petitioners have continued their medical degree and also completed it during the year 2014-2015. That apart, the results of the petitioners were also declared by the respective institution declaring the petitioners as 'pass'. As per the Medical Council of India norms, a student who has completed M.B.B.S. degree must undergo a mandatory training called Compulsory Rotatory Resident Internship (CRRI) Training on or before 31st of the next academic year. At this juncture, the petitioners have approached this Court and as per the interim order passed by this Court, they have undergone the mandatory training for a period of one year. Now, the petitioners are before this Court seeking permanent registration of their degree by the Medical Council of India.

10. It is an admitted fact that on the basis of the approval granted by the Medical Council of India at the time of the admission of the petitioners, they have joined the M.B.B.S. course in the respective institution. After completing the degree course for five years, now the Medical Council of India refused recognition and/or approval to the institution in which the petitioners have studied for non-compliance of various norms. Thus, it is evident that there is no fault attributable on the part of the petitioners. For non-compliance of certain

norms by the respective institution in which the petitioners have pursued their degree course, they should not be made to suffer. The petitioners are innocent students who have undergone the course in the respective institution with the bonafide belief that the approval and or recognition granted to the institution in which they studied continued. In such view of the matter, I am of the view that the Medical Council of India is bound to consider the genuine and legitimate claim of the petitioners for permanent registration of their medical degree which alone would entitle them to pursue higher study and/or enable them to continue their practice.

11. The issue involved in this batch of writ petitions is no longer res integra. In the decision relied on by the learned counsel for the petitioners in the case of (D. Deeyaneswarar and others vs. State of Tamil Nadu, represented by its Secretary, Health and Family Welfare Department, Fort St. George, Chennai and others) reported in 2015 (6) CTC 142 this Court had an occasion to consider identical relief sought for by the petitioners therein. For ready reference, the order passed by this Court mentioned supra is extracted below:-

14. In a recent judgment, the Apex Court in Medical Council of India Vs. M.G.R.Educational and Research Institute University and another, ((2015) 4 SCC 580), considering the case of students, who are admitted in a College for which the recognition earlier given was withdrawn, and who have undergone the entire course of study and thereafter waiting to commence the internship, held as follows:-

'42. We also find a substantial difference between the referred case and the present appeals inasmuch as in A.P. Christian Medical Educational Society, ((2015) 4 SCC 580), the students had undergone one or two years of study. However, in the present appeals they have undergone the entire course of study and are now waiting to commence their internship. Having spent five years in pursuing their MBBS course, to now tell the students that they have simply wasted their time would hardly be a just and fair view to take. The students in the present case appear to be mere pawns in a bigger game played by the Institute and the College in which the MCI, the MH&FW, the UGC and the MHRD have participated as spectators. We cannot let the matter rest at that simply because the admission of the 2nd batch of students in the academic year 2009-10 has been recognized and approved by the MHRD.

15. It appears that there is no specific provision to deal with the interest of the students in a situation like this. However, the 2nd respondent did consider the said issue with respect to Shri Satya Sai Medical College in the letter of the 2nd

respondent dated 1.5.2014, the relevant portion of which is extracted hereunder:

'The Members of the Executive Committee of the Council considered that the students were admitted in the Medical College after the grant of permission by the Central Government on the recommendation of the Council. It was also considered that the annual renewals of permission were granted to the Medical College on the students who were admitted from 2008-09 to 2012-13 on valid permission given by the Central Govt on the recommendation of the MCI cannot be made to suffer at this hour for the misdeeds of the management of Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research. The members of the Executive committee observed that in the similar facts and circumstances in the case of Shri Satya Sai Medical College, the then Board of Governors in super-session of the Council to safeguard the interest of the students who were not at all at fault had decided and recommended to the Central Government to grant recognition to the Medical College. The Central Government accepted the recommendation of the MCI and issued Notification dated 27/11/2013 with respect to the students who had been admitted on the strength of valid letter of permission of Central Government/Board of Governors.'

16. Thus, it is clear that for a similarly placed students, though studying in a different College, recommendations were indeed made by the 2nd respondent and accepted by the Government viz., the 6th respondent (since impleaded). There is no reason why the said yardstick shall not be adopted to the students of the 5th respondent. There is no material to hold that case of the petitioners is different with that of the students in that case. Hence, this decision coupled with the observation in paragraph No.42 of the judgment of Apex Court in Medical Council of India Vs. M.G.R.Educational and Research Institute University and another, ((2015) 4 SCC 580) would certainly come to the aid of the petitioners. Though in the said decision, the facts would reveal the illegality committed by the College, the present case is a better one as at the time of entry of the petitioners, there was indeed a proper permission and hence the ratio laid down therein would apply to the case on hand with all fours. For the same reasoning, this Court is of the view that the direction given thereunder to the students to undergo the examination once over again may not have an application to the case on hand, since in that case, examinations have been conducted by the Management as against the

present case, when it was done by the 4th respondent University. There is also no quarrel about the nature of examinations conducted by the 4th respondent University. Perhaps, that is the reason why even the 2nd respondent did not impose any condition on the students of Shri Satya Sai Medical College. Therefore, this Court is of the view that the petitioners are entitled to succeed.

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.

12. Having regard to the above facts and circumstances of the case, the petitioners are directed to submit a representation to the Tamil Nadu Medical Council, Chennai - 600 106 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Tamil Nadu

Medical Council, Chennai is directed to forward a proposal to the Medical Council of India, New Delhi. On receipt of such proposal, the Medical Council of India is directed to pass orders in terms of the directions issued by this Court in para No.17 of the order in D. Deeyaneswarar and others vs. State of Tamil Nadu, represented by its Secretary, Health and Family Welfare Department, Fort St. George, Chennai and others) reported in 2015 (6) CTC 142 mentioned supra in accordance with law.

13. With the above directions, all the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

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Sub Assistant Registrar

To

1. The Secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai - 600 009
2. The President
Tamil Nadu Medical Council
No.904, Poonamallee High Road
Arumbakkam, Chennai - 600 106
3. The Secretary
Medical Council of India
Sector 8, Dwaraka Phase-1
New Delhi - 110 077
4. The Registrar
Tamil Nadu Dr. M.G.R. Medical University
No.69, Anna Salai
Guindy, Chennai - 600 032.
5. The Chairman,
Medical Council of India,
Pocket 14, Sector 18,
Dwarka Phase - I, New Delhi - 110077.

+5cc's to Mr.S.Thanka Sivan, Advocate, S.R.No.27657

+1cc to Mr.V.P. Raman, Advocate, S.R.No.27828

+1cc to Mr.Muthumani Doraisami, Advocate, S.R.No.27691

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.27668(13.05.2016)