

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.26741 of 2016
and
W.M.P.No.22960 of 2016

Dr.M.Saranya

... Petitioner

Vs

1.Union of India
Represented by the Ministry of Health,
Office of the Health Minister,
New Delhi - 110 010

2.The President,
Medical Council of India,
Pocket 14, Sector 8,
Dwarka, Phase - I,
New Delhi - 110 077.

3.The President,
Tamil Nadu Medical Council,
No.914, Ponamallee High Road,
Arumbakkam,
Chennai 600 106.

4.The Dean,
Sri Manakula Vinayagar Medical College & Hospital,
Kaliatheerthalkuppam,
Madagadipet,
Puducherry - 605 107.

5.The Registrar,
The Puducherry University,
R.V.Nagar, Kalapet,
Puducherry - 605 014.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus, directing the 2nd and 3rd respondents to grant registration of petitioner's Post Graduate Degree Certificate as 'additional qualification' in the State Medical Register of Tamil Nadu and thereby to enable her to start her medical practice.

For Petitioner : Mr.P.Suresh
For Respondents : Ms.N.K.Nithilavani, (for R1)
Central Government Standing Counsel

Mr.V.P.Raman, (for R2)
Standing counsel

Mr.G.Sankaran (for R3)

Mr.Stalin Abhimanyu (for R5)
Standing counsel

O R D E R

The petitioner has got post graduate degree certificate in M.D. Dermatology, Venerology and Leprosy. The petitioner completed her M.B.B.S., degree in Mahatma Gandhi Medical College and Research Institute, Puducherry, during May 2011 and subsequently, she got herself registered as medical practitioner with the third respondent vide registration No.98334 dated 09.07.2012.

2.The petitioner underwent Post graduate course namely M.D. Dermatology, Venerology and Leprosy by joining college of the 4th respondent/Shri Manakula Vinayakar Medical College and Hospital, Puducherry, during June 2013. At the time of joining the course there was proper permission letter dated 28.03.2012 issued to the college by Medical Council of India for an annual intake of 3 students for the said course. The petitioner completed her post graduate course during June 2016 and a provisional certificate was also issued to her by Puducherry University on 02.06.2016. On the basis of the Master's Degree Certificate, she approached the third respondent on 12.07.2016 for registration of her post graduate qualification as additional qualification as required under section 26 of Indian Medical Council Act 1956. However, the third respondent did not register the petitioner's additional qualification stating that the fourth respondent has not been recognised so far by the Medical Council of India. In view of the refusal, the petitioner has approached this Court seeking writ of mandamus directing 2nd and 3rd respondents to grant registration of

petitioner's Post Graduate Degree Certificate as an additional qualification in the State Medical Register of Tamil Nadu.

3.Heard Mr.P.Suresh, learned Counsel for the petitioner; Ms.N.K.Nithilavani, learned Central Government Standing Counsel for the first respondent; Mr.V.P.Raman, learned standing counsel for the second respondent; Mr.G.Sankaran, learned counsel for the third respondent and Mr.Stalin Abhimanyu, learned counsel for the fifth respondent

4.Mr.V.P.Raman, learned standing counsel for the second respondent would submit that from the notification, it is clear that the M.D (DVL) has been recognised as a medical qualification when granted by Pondicherry University, Puducherry in respect of students being trained at Sri Manakula Vinayagar Medical College and Hospital, Pondicherry on or after 2015. When the Government of India notification says that it has been recognised as medical qualification, there cannot be any prohibition for the third respondent Tamil Nadu Medical Council to register the petitioner's additional qualification namely M.D. Dermatology, Venerology and Leprosy in the State Medical Register of Tamil Nadu. Therefore, there shall be a direction to the third respondent to register the petitioner's additional qualification namely M.D. Dermatology, Venerology and Leprosy as additional qualification in the State Medical Register of Tamil Nadu within a period of two weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

sai/tkp

To

1.Union of India
Represented by the Ministry of Health,
Office of the Health Minister,
New Delhi - 110 010

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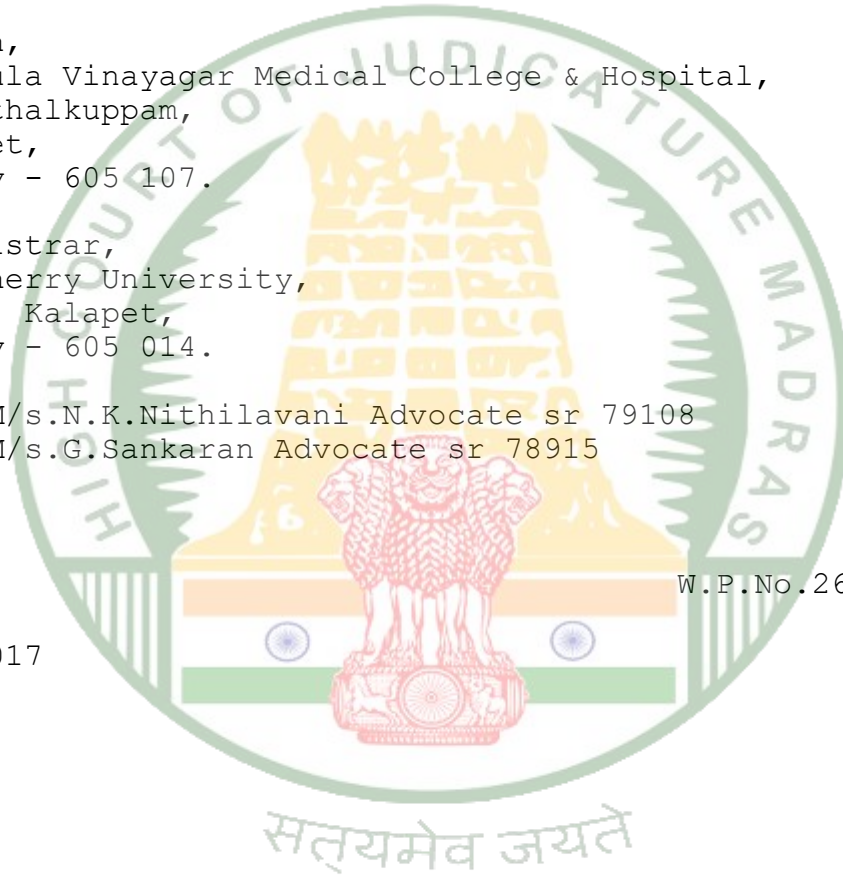
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+1 cc to M/s.N.K.Nithilavani Advocate sr 79108
+1 cc to M/s.G.Sankaran Advocate sr 78915

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