

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.20902 of 2018
and WMP No.24538 of 2018

CHANGEindia

Represented by its Director A.Narayanan ... Petitioner

vs.

1. The Secretary,
Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-1, New Delhi - 110 077.

2. The Secretary,
Department of Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi - 110 011.

3. Government of Tamilnadu,
Represented by the Chief Secretary,
Secretariat, Fort St. George,
Chennai - 600 009.

4. The Principal Secretary to Government,
Department of Health and Family Welfare,
Secretariat, Fort St. George, Chennai - 600 009.

5. The President,
Tamilnadu Government Doctors Association,
208-DAS Quarters, Government Rajaji Hospital,
Madurai - 625 020.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the first and second respondent to review the entire process of inspections, approval, recognition and permission by Medical Council of India to Medical Colleges in India for UG and PG courses and bring out an objective and transparent set of norms and SOPs for granting approval / recognition for in order to prevent fraudulent practices in the above process.

For Petitioner : Mr.A.Narayanan,
Party-in-person

For Respondents: Mr.V.P.Raman (for R1)
Standing Council for MCI
Mr.V.Venkatesan (for R2)
Mr.T.N.Rajagoplan (for R3 & R4)
Government Pleader

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Contending inter alia that Doctors working in hospitals are deputed during MCI Annual Inspection, either for getting recognition of the Medical Colleges, Government or Private, as the case may be or for their continuation and that there was also an incident of mal practice in Melmaruvathur Adhiparasakthi Institute of Medical Sciences and Research, and further contending that there is no response to the representation dated 12.05.2018, made by the petitioner to (1) The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi - 110 077 (2) The Secretary, Ministry of Human Resource Development (Higher Education), Government of India, 127-C, Shastri Bhavan, New Delhi - 110 001, (3) The Principal Secretary, Health and Family Welfare Department, Government of Tamilnadu, Secretariat, Chennai - 600 009, (4) The Director, Directorate of Medical Education, 156, Poonamallee High Road, New Bupathy Nagar, Chetpet, Chennai - 600 031, (5) The Vice Chancellor, Tamil Nadu Dr.M.G.R.Medical University, No.69, Anna Salai, Guindy, Chennai - 600 032 and (6) The President, Tamilnadu Government Doctors Association, 208-DAS Quarters, Government Rajaji Hospital, Madurai - 625 020, the instant writ petition has been filed by CHANGEindia, represented by its Director Mr.A.Narayanan, for a mandamus, directing the Secretary, Medical Council of India, New Delhi and the Secretary, Department of Health and Family Welfare, Government of India, New Delhi, respondents 1 and 2, respectively, to constitute an independent committee, and to review the entire process of inspections, approval, recognition and permission by Medical Council of India to Medical Colleges in India for UG and PG courses and bring out an objective and transparent set of norms and SOPs for granting approval / recognition for in order to prevent fraudulent practices in the above process.

2. On behalf of the Secretary, Medical Council of India, New Delhi, 1st respondent, Mr.V.P.Raman, learned Senior Counsel takes notice. Mr.V.Venkatesan, learned counsel takes notice for the Secretary, Department of Health and Family Welfare, Government of India, New Delhi. Mr.T.N.Rajagopalan, learned

Government Pleader, takes notice for the Principal Secretary, Health and Family Welfare Department, Government of Tamilnadu, Secretariat, Chennai and Director, Directorate of Medical Education, Chennai, respondents 3 and 4.

3. Material on record discloses that representation of the writ petitioner dated 12.05.2018, has been considered by the Medical Council of India, New Delhi and vide letter dated 01.06.2018, the Assistant Secretary, Medical Council of India, has sought for urgent comments from the Secretary, Medical Educational Department, Government of Tamilnadu, in the abovesaid matter, so as to enable the Medical Council of India, to take further necessary action in the matter.

4. For brevity, the abovesaid letter, dated 01.06.2018, is reproduced hereunder:

"Subject:- Alleged shameful practice of Assistant Professors

impersonating as Professors in many of the

22 Government Medical Colleges in Tamil Nadu for the

past 5 years during Annual inspections by MCI, to

obtain permission for starting new MBBS courses or

renew permission for MBBS courses.

Sir, Madam,

I am directed to enclose herewith a copy of representation dated 12.05.2018 received from Sh.A.Narayanan, Director, ChangeIndia, Chennai on the subjected noted above, and to request you to submit your urgent comments in the matter so as to enable the Council-to take further necessary action in the matter."

5. Though Mr.A.Narayanan, Party-in-person, reiterated the averments and having regard to the steps taken by the Medical Council of India, New Delhi, we are not inclined to delve further.

6. Medical Council of India, New Delhi, has acted on the representation dated 12.05.2018. Medical Council of India, has sought for urgent comments from the Secretary, Medical Education Department, Government of Tamilnadu, to take further necessary action.

7. In the abovesaid circumstances, we only direct the Secretary, Medical Education Department, Government of Tamilnadu, to furnish the comments to Medical Council of India, New Delhi, to take further necessary action, if not done

earlier, within eight weeks from the date of receipt of a copy of this order. On receipt of the aforesaid comments, the Medical Council of India, New Delhi, is further directed to proceed in accordance with law.

8. With the above directions, writ petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skm/ars

To

1. The Chief Secretary to Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Principal Secretary to Government,
Department of Health and Family Welfare,
Secretariat, Fort St. George, Chennai - 600 009.

+lcc to Mr.V.P.Raman, Advocate sr.no.56333
+lcc to Dr.V.Venkatesan, Advocate sr.no.56369
+lcc to Government Pleader in sr.no.56449

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rsi(co)
nr 11/09/2018

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