

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.32150 of 2017

and

W.M.P.Nos.35316 & 35317 of 2017

Safana Sadiq

...Petitioner

Vs

1.The Medical Council of India,
Represented by its Registrar,
Pocket-14, Sector-8, Phase-1,
Dwarka, New Delhi - 110 077.

2.The National Board of Examinations,
Medical Enclave, Rep. by Assistant Director,
Ansari Nagar, Ring Road,
New Delhi - 110 029.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of second respondent passed in Letter No.NBE/FMGE/Dec-2016/12313 dated 22.08.2017 and quash the same and consequently direct the first respondent to release the withheld result of the petitioner without insisting the eligibility certificate issued by the first respondent and also direct the first respondent to consider the representation of petitioner dated 07.08.2017 for issue of eligibility certificate.

For Petitioner : M/s.A.Shiek Peer
For R1 : M/s.V.P.Raman
For R2 : Mr.Anand Swamy & Dhruva

O R D E R

This writ petition is directed against the order of the second respondent dated 22.08.2017, under which, the petitioner was declared as ineligible due to non-submission of the required documents, as per the Information Bulletin of FMGE December 2016. Further, a consequential direction is sought for the first respondent to release the withheld result of the petitioner, without insisting the eligibility certificate and also to consider the representation of the petitioner dated 07.08.2017 for issuance of eligibility certificate.

2. Though the petitioner has raised very many averments challenging the order impugned in this writ petition, the learned counsel for the petitioner submitted that it would suffice, if the petitioner is permitted to approach the first respondent with a fresh application and on such approach, the first respondent may be directed to dispose of the said application.

3. The learned counsel appearing for the respective respondents have no serious objection in granting such relief to the petitioner.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court permits the petitioner to submit a fresh application enclosing all the required documents along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On such submission, the first respondent shall consider the said application and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks thereafter.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

kak/rk

To

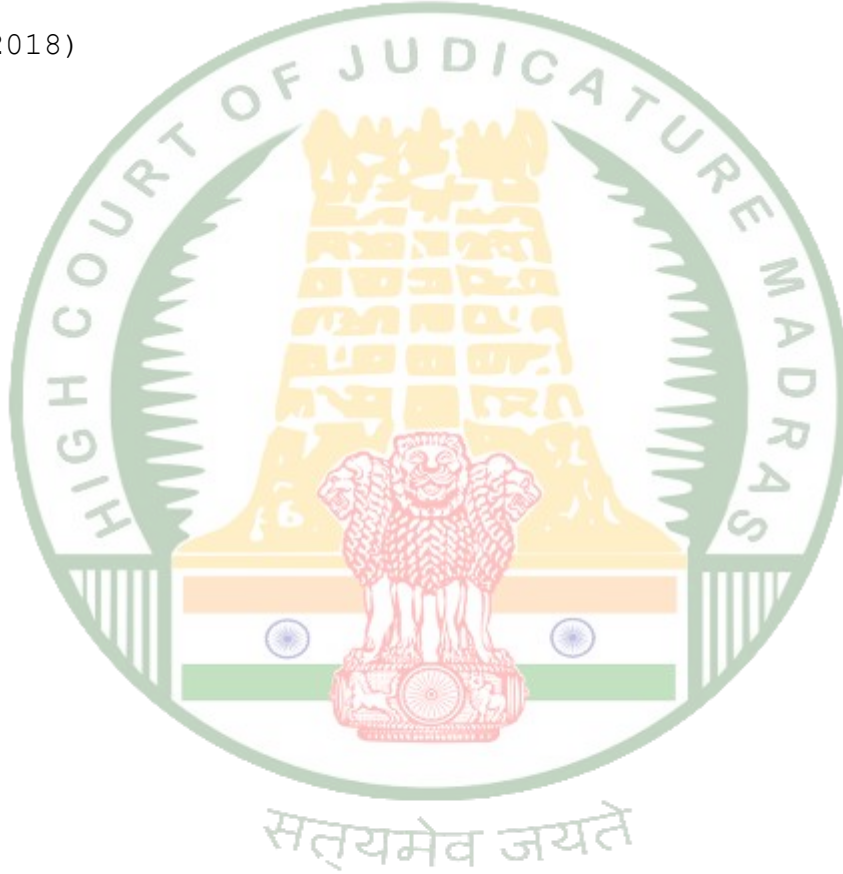
1. The Medical Council of India,
The Registrar,
Pocket-14, Sector-8, Phase-1,
Dwarka, New Delhi - 110 077.

2.The Assistant Director, The National Board of Examinations,
Medical Enclave,
Ansari Nagar, Ring Road,
New Delhi - 110 029.

+1cc to Mr.V.P.RAMAN, Advocate, S.R.No.21747
+1cc to Mr.ANAND SAMY, Advocate, S.R.No. 22081
+1cc to Mr.A.SHEIKPEER, Advocate, S.R.No. 21624

W.P.No.32150 of 2017

TR(26/03/2018)



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