

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.202 of 2013

and

M.P.No.1 of 2013

- 1.The Director of Medical Education,
Kilpauk, Chennai-600 010.
- 2.The Principal Secretary to Government,
Health and Family Welfare (MCA 1) Dept.,
Secretariat, Fort St.George,
Chennai-600 009.
- 3.The Dean,
Stanley Medical College,
Chennai-600 001. Appellants/Respondents 2 to 4

-vs-

- 1.Stephano Jonathan Joseph 1st Respondent/Petitioner
- 2.The Academic Officer,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai-600 002. 2nd Respondent/1st Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.26564 of 2012 dated 10.10.2012.

PRAYER IN WP.26564 OF 2012:

Writ Petition filed Under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, calling for the entire records relating to the impugned condition Non-Stipendiary alone in the Order No.RC No.ACI(1)/39965/2011 dated 14.10.2011 issued by the First Respondent and quash the Non

Stipendiary condition alone and further direct the respondents to pay stipulated of Rs.7600/- (Rupees Seven Thousand Six Hundred Only) per month to the petitioner with effect from the date on which the petitioner is undergoing CRRI training in Stanley Medical College, Chennai i.e. From 08.12.2011 till the completion of CRRI Training on par with other interns of Stanley Medical College, Chennai.

For Appellants :: Ms.V.Annalakshmi,
Government Advocate

For Respondents :: No appearance

JUDGMENT

(Delivered by RMT.TEEKAA RAMAN, J.)

The first respondent successfully completed M.D.(Physician) Course offered by Lugansk State Medical University, Ukraine in March 2010, which is a Medical Academy recognised by the Medical Council of India. He also successfully passed the screening test held in March 2011 in the second attempt, conducted by the National Board of Examinations. After being enrolled by the Medical Council of India, the first respondent applied to the Tamil Nadu Dr.MGR Medical University, Chennai for obtaining 'No Objection Certificate' for undergoing CRRI training. Even though 'No Objection Certificate' was issued to the first respondent, it was issued by showing him as a non-stipendiary intern. Thereafter, the first respondent was undergoing CRRI training in the Stanley Medical College, Chennai. Because of the condition imposed showing him as a non-stipendiary intern, the first respondent was unable to get stipend as given to other interns, in spite of the fact that he has performed the same duties as performed by other interns. On the ground that the Medical Council of India's Guidelines do not bar the grant of stipend to Foreign Medical Graduates who are undergoing CRRI training in the Government Colleges in India, the first respondent filed a writ petition before this Court in W.P.No.26564 of 2012 to quash the condition "non-stipendiary" in the 'No Objection Certificate' issued to him, and the same was allowed by this Court by order dated 10.10.2012. Challenging the same, the present appeal has been filed by the Department.

2.The question that arises for consideration in this appeal is whether a person who has graduated from a foreign University is entitled to pursue CRRI training in the Government Colleges in India, on par with the medical graduates graduated from the local Universities in India. This question is no more res integra, in view of the judgment passed by this Court in W.A.No.203 of 2013 dated 15.11.2017. The relevant portion of the said judgment is extracted hereunder:

"The issue relates to grant of stipend to Foreign Medical Graduates, who are undergoing CRRRI training in the Government Colleges in India. It is brought to the notice of this court in a similar matter viz., W.P.No.5458 of 2012, the learned Single Judge, by order dated 16.7.2012, granted the relief, which was the basis for the order passed by the learned Single Judge in the present writ petition, however, a Division Bench of this court in W.A.No.2500 of 2012 by judgment dated 24.6.2015, set aside the order passed by the learned Single Judge in the writ petition cited, finding that the very training called as CRRRI Training is important for candidates under two categories, namely stipendiary category and non-stipendiary category and once a person is admitted to training under the non-stipendiary category, he cannot, later, turn around and claim payment of stipend."

3.In view of the above settled legal position, the impugned order passed by the learned single Judge is set aside and the writ appeal is allowed. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director of Medical Education,
Kilpauk, Chennai-600 010.
- 2.The Principal Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare (MCA 1) Dept.,
Secretariat, Fort St.George,
Chennai-600 009.
- 3.The Dean, Stanley Medical College, Chennai-600 001.
+1cc to the Government Pleader, S.R.No. 19221

W.A.No.202 of 2013
and M.P.No.1 of 2013

mr (CO)
TR(17/04/2018)