

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-02-2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos.29675 to 29677, 29186 to 29193 of 2017
and
W.M.P.Nos.31986 to 31988 of 2017

DR. M. ALAGANANDHA ..PETITIONER IN W.P. 29675/2017.
DR.T. THANGAROJA ..PETITIONER IN W.P. 29676/2017.
DR.S. JANANI ..PETITIONER IN W.P. 29677/2017
DR.G. SAKTHIRAM ..PETITIONER IN W.P. 29186/2017.
DR.R. ANDREA JOSEPHINE ..PETITIONER IN W.P. 29187/2017.
DR. SARANYA .P ..PETITIONER IN W.P. 29188/2017.
DR.K. KRISHIKA ..PETITIONER IN W.P. 29189/2017.
DR. RAMAKRISHNAN A.P ..PETITIONER IN W.P. 29190/2017.
DR.A. ELAIYARAJA ..PETITIONER IN W.P. 29191/2017
DR.C. MANIKANDAN ..PETITIONER IN W.P. 29192/2017.
DR.K. VIJAYA DURAIRAJ ..PETITIONER IN W.P. 29193/2017.

Vs

1.The Medical Council of India,
Rep. by its Secretary,
Pocket 14, Sector 8, Dwarka Phase I,
New Delhi - 110077.

2.The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai 600 010.

3.Tamil Nadu Dr. M.G.R. Medical University,
Rep. by its Registrar,
Nawab Garden, No.69, Anna Salai,
Guindy, Chennai 600032.

4. Tamil Nadu Medical Council,
Rep. by its Registrar,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai 600106.

5. The Employees State Insurance Corporation Medical College &
Post Graduate Institute of Medical Sciences & Research,
Ashok Pillar Road, K.K.Nagar, Chennai 600 078.
..Respondents 1 to 5 in W.P.29675 to 29677/2017.

6. The Union of India, Rep. by its Secretary,
Ministry of Health and Family Welfare,
New Delhi. ..6th Respondent in W.P.29675 to 29677/2017.
& 5th Respondent in W.P. 29186 to 29193/2017.

(R6 suo motu impleaded as per order dated 08.12.2017 in
WP.Nos.29675 to 29677 of 2017)

(R5 in W.P. 29186 to 29193/2017 suo motu impleaded as per order
dated 08.12.2017 in W.P.29186 to 29193/2017)

- 7 THE MEDICAL COUNCIL OF INDIA
REP. BY ITS PRESIDENT POCKET 14 SECTOR 8
DWARKA PHASE I NEW DELHI.
- 8 THE TAMILNADU MEDICAL COUNCIL
REP. BY ITS PRESIDENT 914 POONAMALLEE HIGH
ROAD ARUMBAKKAM CHENNAI-600 106.
- 9 THE MEDICAL COMMISSIONER
(MEDICAL EDUCATION) EMPLOYEES STATE
INSURANCE CORPORATION PANCHDEEP BHAVAN C.I.
G. ROAD NEW DELHI-100 002.
- 10 THE DEAN
ESIC MEDICAL COLLEGE AND POST GRADUATE
INSTITUTE OF MEDICAL SCIENCE AND RESEARCH K.
K.NAGAR CHENNAI-600 078.

..Respondents 1 to 4 in W.P. 29186 to 29193/2017.

PRAYER in W.P. 29675 to 29677/2017: Writ petition filed under
Article 226 of the Constitution of India to issue a Writ of
mandamus, directing the 4th respondent to register the
petitioner's Post Graduate (PG) Degree in M.S.-Obstetrics &
Gynaecology issued by the 3rd respondent and to consequently
issue necessary Registration Certificate to the petitioner
within a time frame.

Prayer in W.P. 29186 to 29193/2017:

Writ Petitions filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondent 1 and 2 to register the petitioners Post Graduate Degree in M.D. (General Medicine) (Pediatrics) (Anesthesia) in the State Medical Register as per the provisions of the Indian Medical Council Act 1956 by considering his representation dated 26.08.2017, 29.09.2017, 26.10.2017 and 23.10.2017 respectively.

For Petitioner :Mr.L.S.M.Hasan Fizal
in W.P. 29675 to 29677/2017
Mr.N. Manokaran in
W.P. 29186 to 29193/2017.

For Respondent :Mr.V.P.Raman (for R1) in all W.Ps
Standing counsel

Mr.T.M.Pappiah
Special Government Pleader (For R2)

Mr.P.R.Gopinathan (for R3)
Standing counsel

Mr.G.Sankaran (for R4)
Standing counsel

Mr.K.Prabhakar (for R5)
Standing counsel in W.P. 29675 to
29677/2017 and R2 in W.P.29186 to 29193/2017.

Mr.K. Prabhakar (For R5)
Standing counsel in
W.P. 29675 to 29677/2017 and
RR3 & 4 in W.P. 29186 to 29193/2017.

Mr.J.Madhanagopal Rao
Standing counsel for R6 in
W.P. 29675 to 29677/2017.
and R5 in W.P. 29186 to
29193/2017.

COMMON ORDER

The petitioners after completion of under graduation in medicine were admitted in The Employees State Insurance Corporation Medical College & Post Graduate Institute of Medical Sciences & Research for PG course. At the time of admission, the Medical Council of India had given letter of permission and based on the permission only, the petitioners has been admitted into the college. Subsequently, on instruction, the Medical Council of India found certain deficiencies in the The Employees

State Insurance Corporation Medical College & Post Graduate Institute of Medical Sciences & Research and therefore, the final recognition has not been granted to the said Institution. Even though the petitioners completed the course in the year 2016 and 2017, they have not been permitted to register their PG degree certificates with the Tamil Nadu Medical Council. Therefore, the petitioners are before this Court, seeking writ of mandamus, directing the Tamil Nadu Medical Council to register the Post Graduate degree of the petitioners and consequently issue necessary registration certificate.

2. Heard the learned counsel for the parties.

3. The issue has already been decided by a learned Single Judge of this Court in WP.No.36467 of 2015 and 1493 of 2016 on 04.01.2016 and 29.01.2016 respectively, wherein a direction was given to register the PG certificates of the petitioners therein and the said order of the Single Judge was confirmed in W.A.Nos.320 and 614 of 2016 on 11.08.2017. Further, a Special Leave Petition was also filed by the Medical Council of India in Special Leave Petition (Civil) Diary No(s).36192/2017 against the said Division Bench order and it was dismissed by the Hon'ble Supreme Court of India on 08.01.2018.

4. When such is the precedent, there is no occasion for this Court to deviate from the order already passed by this Court. Considering the fact that the petitioners were admitted based on the letter of permission granted by Medical Council of India and they completed the course, it does not make any difference whether final recognition has been granted or not. Further, this Court has already granted similar relief to other similarly placed persons. Therefore, there shall be a direction to the Tamil Nadu Medical Council of India to register the Post Graduate degree certificates of the respective petitioners within a period of four weeks from the date of receipt of a copy of this order.

5. The petitioners are directed to give fresh applications alongwith this order copy for registration. On receipt of such fresh applications, the Tamil Nadu Medical Council shall register the respective petitioners' Post Graduate degree certificates.

6. Since the Certificates are kept by The Employees State Insurance Corporation Medical College & Post Graduate Institute of Medical Sciences & Research, the Employees State Insurance Corporation Medical College & Post Graduate Institute of Medical Sciences & Research is hereby directed to submit the certificates directly to the Tamil Nadu Medical Council of India and get back the same after registration.

7. With the above directions, these writ petitions are disposed of, as the relief sought for by the petitioners have been granted. Consequently, connected miscellaneous petitions are closed. No costs. However, the writ petitions are kept pending for adjudicating the issues raised by this Court on 08.12.2017 in public interest. Post the matter on 01.03.2018.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

sai

To

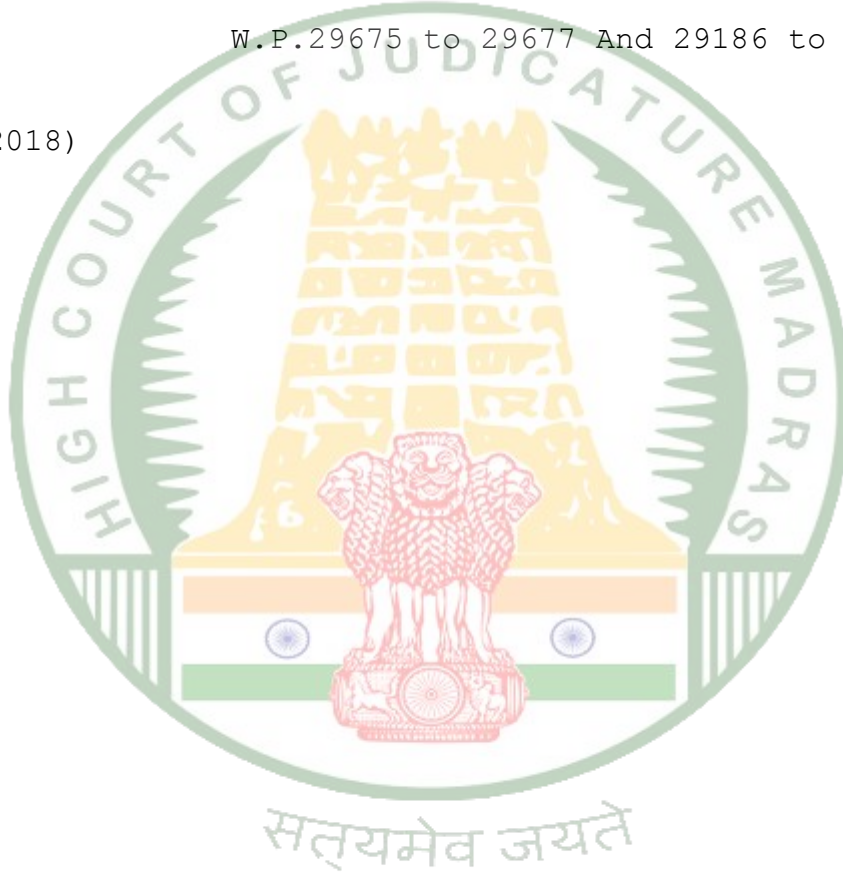
1. The Secretary, The Medical Council of India,
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2. The Secretary,
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3. The Registrar, Tamil Nadu Dr. M.G.R. Medical University,
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4. The Registrar, Tamil Nadu Medical Council,
Rep. by its Registrar,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai 600106.
5. The Dean
The Employees State Insurance Corporation Medical College &
Post Graduate Institute of Medical Sciences & Research,
Ashok Pillar Road, K.K.Nagar, Chennai 600 078.
6. The Secretary,
The Union of India,
Ministry of Health and Family Welfare,
New Delhi.

copy to
The Section officer
Writ Section, High Court, Madras.

+1 CC to Govt. Pleader sr 12872.
+1 Cc to Mr.K. Prabhakar, Advocate sr 12002.
+1 Cc to Mr.V.P. Raman, Advocate sr 12078.
+1 Cc to Mr. G. Sankaran, Advocate sr 12389.
+4 Ccs to Mr.L.S.M.Hasan Fizal, Advocate sr 13296(07/03/2018)
+8 Ccs to Mr.N. Manokaran, Advocate sr 12346 to12353.(08/03/2018)

W.P.29675 to 29677 And 29186 to 29193/2017.

NRJK (CO)
SP(26/02/2018)



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