

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.03.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.27597 of 2010
and M.P.No.1 of 2010

S.Murali

..Petitioner

vs

1.The Union of India,
Rep. by Secretary to Government,
Ministry of Human Resource Development,
New Delhi.

2.Medical Council of India,
Rep. by its Member Secretary,
Pocket No.14, Sector 8,
Dwaraka Phase I,
New Delhi - 110 077.

3.National Board of Examinations,
Rep. by its Director,
Ministry of Health and Family Welfare
Ansari Nagar, New Delhi - 110 029.

4.The University Grants Commission,
B.S.Zafar Marg,
New Delhi - 110 002.

5.Vinayaka Mission University,
Rep.by Pro Chancellor,
No.15, Bank Street,
Kilpauk, Chennai - 10.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring condition No.9(5) comprised in Notification dated 10.10.2006 vide No.F.9-13/2005-U3 of 1st respondent as arbitrary, illegal, unconstitutional and consequently directing the respondents to treat the off-shore medical programme undergone by the petitioner with the 5th respondent University as a Indian Medical Degree in terms of Section 2(g) of the Indian Medical Council Act by permitting the petitioner to practice medicine within the Union of India.

For Petitioner :M/s.S.Ramesh
For R1 :M/s.S.Namo Narayanan, CGSPC
For R2 :Mr.V.P.Raman
For R3 :M/s.Anand Swamy Dhruva
For R4 :Mr.P.R.Gopinathan
For R5 :Mr.Kempraj

ORDER

This writ petition has been filed seeking a declaration, declaring condition No.9(5) comprised in Notification dated 10.10.2006 in No.F.9-13/2005-U3 of the first respondent as arbitrary, illegal and unconstitutional and consequently, directing the respondents to treat the off-shore medical programme undergone by the petitioner with the 5th respondent University as an Indian Medical Degree in terms of Section 2(g) of the Indian Medical Council Act by permitting the petitioner to practice medicine within the Union of India.

2.When the matter was taken up for consideration, the learned counsel for the petitioner fairly submitted that the issue involved herein had already been decided against the petitioner by the Apex Court in the case of Mohamed Ibrahim and others v. Vinayaka Mission University and others [(2012) 4 SCC 190] and the Regulations governing the claim of the petitioner have also got changed. However, the learned counsel submitted that the petitioner may be permitted to approach the authorities concerned to ventilate his grievances.

3.In view of the submission so made by the learned counsel for the petitioner, this Court permits the petitioner to submit a fresh representation indicating his grievances along with a copy of this order to the authorities concerned within a period of two weeks from the date of receipt of a copy of this order. On such submission, the authorities concerned shall consider the said representation 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 six weeks thereafter.

4.Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

kak/rk

To

1.The Secretary to Government,
The Union of India,
Ministry of Human Resource Development,
New Delhi.

2.The Member Secretary,
Medical Council of India,
Pocket No.14, Sector 8,
Dwaraka Phase I,
New Delhi - 110 077.

3. The Director,
National Board of Examinations,
Ministry of Health and Family Welfare
Ansari Nagar, New Delhi - 110 029.

4.The University Grants Commission,
B.S.Zafar Marg,
New Delhi - 110 002.

+1 cc to M/s. S. Ramesh, Advocate Sr.21490

+1 cc to M/s. S. Namonarayanan, Advocate Sr.21543

+1 cc to M/s. V.P. Raman, Advocate sr.2070

+1 cc to Ms.P.R. Gopinathan, Advocate Sr.20786

W.P.No.27597 of 2010

KAN (CO)
EU (17/04/2018)

सत्यमेव जयते

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