

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1169 of 2016
and W.M.P.Nos.902 to 904 of 2016
and W.M.P.No.9477 of 2017

A.Nasrin

.. Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai 600 009.
 2. The Tamil Nadu Dr.M.G.R.Medical University,
Represented by its Registrar,
No.69/40, Anna Salai,
Guindy, Chennai 600 032.
 3. Academic Officer,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69/40, Anna Salai,
Guindy, Chennai 600 032.
 4. The Controller of Examinations,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69/40, Anna Slai, Guindy, Chennai 600 032.
 5. The Principal,
Martin Homeopathy Medical College and Hospital,
No.54, Mettupalayam Road,
D.P.F.Mill Premises, G.N.Mills (PO),
Coimbatore - 641 029
- ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records with respect to the i.letter RC.No.ExIV(2)/40362/2015 dated 20.10.2015 issued by the fourth respondent and consequential letter MHMC/CRRI/PCII/2015/001 dated 03.11.2015 issued by the first respondent and quash the same and direct the respondents 2 and 3 to issue the provisional certificate II enabling the petitioner to register with the

Tamil Nadu Homeopathy Medical Council Chennai and to pursue her practice and to direct the fifth respondent to issue the petitioner's original mark sheets from 1st year BHMS to IVth year BHMS, conduct and transfer certificate.

For Petitioner : Mr.B.S.Sundaramoorthi
For Respondent-1 : Mr.V.Kadhirvelu
Special Government Pleader
(Higher Education)
For Respondents 2 to 4 : Mr.D.Ravichander
For Respondent-5 : Mr.R.Ganesh Kumar
- No Appearance

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorari Mandamus to call for the records with respect to the i.letter RC.No.ExIV(2)/40362/2015 dated 20.10.2015 issued by the fourth respondent and the consequential letter MHMC/CRRI/PCII/2015/001 dated 03.11.2015 issued by the first respondent and quash the same and to direct the respondents 2 and 3 to issue the provisional certificate II enabling the petitioner to register with the Tamil Nadu Homeopathy Medical Council Chennai and to practice and also to direct the fifth respondent to issue the petitioner's original mark sheets from I year BHMS to IV year BHMS, conduct and transfer certificates.

2. The petitioner had joined the Bachelor of Homeopathic Medicine and Surgery (B.H.M.S) in the Martin Homeopathy Medical College and Hospital/fifth respondent-College in the year 2008 and the duration of the course was 4 ½ years academic and one year compulsory Internship. The fifth respondent College is affiliated to the Tamil Nadu Dr.M.G.R.Medical University, which is the second respondent herein.

3. Admittedly, the petitioner had completed her 4 ½ years of the academic course in B.H.M.S. So far as the one year compulsory Internship is concerned, she had opted to do it before the Government Homeopathic Medical College, Kozhikode, as the transfer of Internship is permitted as per the norms of the Central Council of Homeopathy, New Delhi and the Tamil Nadu Dr.M.G.R.Medical University, Chennai. Accordingly, the parental college, namely, the fifth respondent had issued No Objection Certificate giving/granting her permission to continue her Internship before the Government Homeopathic Medical College, Kozhikode. The petitioner ought to have done her CRRI programme in the academic year 2013-2014 itself in continuation of her academic course. However, admittedly, there is a break of one year and she had done the Compulsory Rotating Residential

Internship(CRRI) before the Government Homeopathic Medical College, Kozhikode during the year 2014-2015.

4. The petitioner appears to have completed her CRRI in Government College, Kozhikode starting from 01.05.2015 ending on 23.04.2015. The CRRI Certificate is issued in favour of the petitioner by the Principal, vide reference No.3095/C1/13/GHMC dated 12.05.2015.

5. Though the learned counsel appearing for the respondents 2 to 4 originally objected that the petitioner had not completed her internship in two subjects, namely, Surgery, Obstetrics and Gynecology, the above referred certificates show that the petitioner had completed her Internship in all the subjects as required by Central Council of Homeopathy. Therefore, the said objection is not sustainable. Yet another objection raised by the learned counsel is that when there is a break during the internship, the candidate has to furnish the condonation order issued by the University.

6. Admittedly, there is a break of one year, which requires the candidate to obtain the condonation order from the University. The Writ Petition was filed in the month of January 2016 and the petitioner contends that she has sent a letter on 12.03.2018 requesting the University to grant the condonation order. The said letter though was received by the University on 13.03.2018 along with required fees of Rs.2,100/-, the order of condonation could not be issued, as the same has to be applied in a required format.

7. It appears that the University had also replied to the said letter to the petitioner vide letter No.AC-II(2)/11484/2016 dated 02.04.2018 intimating that the petitioner has not applied for condonation order in the format prescribed by the University and it should be done in the said format.

8. In the conspectus of the above facts, what remains is for the petitioner to apply for the condonation order and on receipt of such application, the University has to issue the same, which would enable the petitioner to get her BHMS degree. As already the petitioner has paid the necessary fees, it is only the application, which has to be made in the required format.

9. Accordingly, the petitioner is directed to apply for condonation order in the format prescribed by the University within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said application, the University is directed to issue the condonation order, within a period of three weeks thereafter.

10. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The State of Tamil Nadu
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai 600 009.
2. The Tamil Nadu Dr.M.G.R.Medical University,
Represented by its Registrar,
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3. Academic Officer,
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4. The Controller of Examinations,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69/40, Anna Salai, Guindy, Chennai 600 032.

+1 cc to Mr.B.S.Sundaramoorthi, Advocate, S.R.No.11800

+1 cc to Mr.D.Ravichander, Advocate, S.R.No.11960

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KAN(CO)
SSM(13/02/2019)

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