

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.3124 of 2018

Dr.P.S.Kiran

/versus/

.. Petitioner

1.The Director,
Jawaharlal Institute of Postgraduate
Medical Education & Research,
Dhanvantri Nagar,
Pondicherry-605 006.

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

3.The President
Delhi Medical Council,
308-A, Administrative Block,
Maulana Azad Medical College,
Bahadurshah Zafar Marg,
New Delhi-110 002.

4.The Registrar,
University of Madras,
Chepauk, Chennai-600 005.

5.The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi-110 001. .. Respondents
(R4 & R5 impleaded as per order dated 20.07.2018
by SVNJ in WMP.No.21852/2018 in WP.No.3124/18)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.1 to comply with the direction of Respondent No.2 dated 18.02.2014 and get recognition of DMRD course conducted by the Respondent No.1 during 1984 under University of Madras.

For petitioner : Mr.L.Sriram

For Respondents : Mr.M.T.Arunan for R1
 Mr.V.P.Raman, St.C for R2
 Mr.A.Maheshnath for R3
 Mr.Stalin Abimanyu for R4
 Mr.S.Janarthanam for R5

ORDER

Heard the learned counsel for the petitioner and the learned counsels appearing for the JIPMER and Medical Council of India.

2. The petitioner herein has completed his medical education from Andhra University in the year 1976. She has undergone Diploma course in Medical Radio-Diagnosis shortly known as DMRD at JIPMER, Pondicherry and at that point of time, JIPMER was affiliated to University of Madras in Diploma till 1985. The misery for the petitioner has started when he tried to register his Diploma in MCI. JIPMER, Pondicherry, at one point of time was affiliated to University of Madras and later affiliated to University of Pondicherry. Thereafter, attained autonomous status. However, there is no doubt regarding the qualification of the petitioner's DMRD obtained through Madras University at JIPMER. It could be easily seen from the Postgraduate Diploma certificate issued by the Madras University as well as the information given by the Madras University under the Right to Information. Now when the petitioner herein, after her retirement, wanted to get registered her DMRD degree with the 3rd respondent, they have raised the doubt whether the Diploma secured by her was from the recognized institution?. The communication between the Medical Council of India and Madras University and JIPMER since 2014, reveals that none of them are ready to take up the decision based on the record. But trying to take umbrage under the change of affiliating University of JIPMER. This could be easily seen from the evasive attempt and the communication of the Dean, Pondicherry dated 13.06.2018 addressed to the Secretary of India Ministry of Health and Family Welfare. For easy reference the content of the letter is extracted below:

"With reference to the above, it is hereby informed that JIPMER (Now An Institution of National Importance under Ministry of Health & Family Welfare, Govt. of India by act of Parliament during the year 2008) was running many Medical courses under Madras University before 1986 and after 1986-2008 under Pondicherry university. The degree awarded required recognition by Medical council of India (MCI) at that Time. One the Diploma Degree (DMRD) Diploma in Medical Radio-Diagnosis run by JIPMER was not recognized at

that time. The candidates who were gone under that day are not able to register their diploma at time. Presently it became mandatory for all faculty position to register their diploma/degree to MCI.

Therefore it is requested that the courses run by JIPMER as stated above may be recognized and permitted by MCI or JIPMER (An Institution of National Importance under Ministry of Health and Family Welfare, Govt.of India Act 2008) may be given permission to recognize these courses irrespectively.

It is relevant to note that proposal to start DMRD at that time of JIPMER as Department under DG&HS, Ministry of Health & Family Welfare, under by the Government of India would have been sent Ministry / MCI. It is requested the same may be taken into consideration and may be approved retrospectively. It is to be noted that, we don't have any records of those student studied under Madras University and Pondicherry University."

3. After this letter, the Government of India, Ministry of Health and Family Welfare has communicated to the Director of JIPMER, Pondicherry to take necessary action as per JIPMER Act, Rules and Regulations and if necessary to forward a detailed proposal to the Ministry, the present writ petition filed by the petitioner herein is also been referred in the said communication.

4. From these communications it is clear that a clarification from the JIPMER to the Government of Ministry would be suffice for the petitioner herein to get her Diploma being duly recognized and registered by the MCI. From the information obtained by the petitioner herein under Right to Information Act, the Public Information Officer attached to JIPMER has positively answered the queries regarding the recognition of DMRD course offered by JIPMER through Madras University. For easy reference, the four queries and the information furnished by the JIPMER is extracted below:

"With reference to the Information requested by the applicant Shri S.J.Srikanth, Chennai, the following reply is furnished:

1	When did JIPMER attain autonomous?	Declaration of JIPMER, as an Institution of National Importance, MH & FW, G.O.I w.e.f.14.07.2008, by an Act of Parliament, 2008

2	Before attaining autonomous, which University was issuing degree/certificate for students studying in JIPMER?	Pondicherry University
3	Whether students who studies DMRD Course were also issued degree certificates by Madras University till JIPMER become autonomous University	1.Madras University has awarded DMRD Degree certificates upto 1985 2.From the year 1976 onwards, Pondicherry University has awarded DMRD degree certificates 3.From 2006 batch to 2009, degrees to DMRD Courses are awarded by JIPMER
4	From which year JIPMER University was inducted in Pondicherry University	1985

5. In the said circumstances, the 1st respondent herein is directed to communicate about the affiliation of the Institute under the Madras University till 1986 and the genuineness of the Diploma certificate and the information furnished under the Right to Information Act to the petitioner by the University of Madras certifying the petitioner as a student of the 1st respondent institute. On receipt of such communication, the 2nd respondent herein shall recognize the diploma of the petitioner and register the same. The 1st respondent shall complete the above direction within a period of four weeks and on receipt of the proposal from the 1st respondent, the 2nd respondent shall pass appropriate orders within a period of three weeks from thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director,
Jawaharlal Institute of Postgraduate
Medical Education & Research,
Dhanvantri Nagar, Pondicherry-605 006.

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5.The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi-110 001.

+2cc to M/s.Chennai Law Firm, Sr.No.74443
+1 cc to M/s.M.T.Arunan,Advocate Sr.No.73871
+1 cc to M/s.V.P.Raman,Advocate Sr.No. 74788
+1 cc to Mr.A.Maheshnath, Advocate Sr.No.74286
+1 cc to Mr.A.Janarthanam,Advocate Sr.No. 73813

AKM/23.10.19/5P- 12C /

W.P.No.3124 of 2018