

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.3987 of 2019

and

W.M.P.No.4442 and 4445 of 2019

Democratic Tamilnadu Government Doctors Association
Rep by its President Dr.P.Balakrishnan,
Democratic TNGDA Office,
Govt., Mohan Kumaramangalam Medical
College & Hospital,
Salem District.

.. Petitioner

Vs.

- 1.The Union of India,
Rep by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.
- 2.The Medical Council of India
Presently changed as
The National Medical Commission,
Pocket - 14, Sector -8,
Dwarka Phase - 1,
New Delhi - 110 077.
- 3.The Government of Tamil Nadu
Rep by its Principal Secretary
Department of Health and Family Welfare
Secretariat, Fort St., George
Chennai - 600 009.
- 4.The Tamil Nadu Medical Council
Rep by its Registrar
New No.914, Old No.569
Poonamallee High Road
Arumbakkam,
Chennai - 600 106.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Certiorarified Mandamus, calling for the records and to quash the 4th respondent impugned G.O.41 dated 10.10.2018 having Reference No.TNMC/G502/2018 wherein for all those medical practitioners to update in Form 5 for those who non updating Doctors like petitioner were declared "Dormant and Inaccessible practitioners" is totally unconstitutional and illegal and consequently direct the respondents 1 to 3, to restore that all registered doctors to be considered by their length of practices in their respective field and not to be disturbed and compelled to pay charges to obtain credit hours marks in Continuous Medical Education (CME).

For Petitioner : Mr.C.Kanagaraj

For R3 : Mr.Akhil Akbarali
Government Advocate

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Democratic Tamilnadu Government Doctors Association, represented by its President Dr.P.Balakrishnan, has filed the instant writ petition for a Writ of Certiorarified Mandamus, calling for the records and to quash the 4th respondent impugned G.O.41, dated 10.10.2018 having Reference No.TNMC/G502/2018 wherein for all those medical practitioners to update in Form 5 for those who non updating Doctors like petitioner were declared "Dormant and Inaccessible practitioners" is totally unconstitutional and illegal and consequently direct the respondents 1 to 3, to restore that all registered doctors to be considered by their length of practices in their respective field and not to be disturbed and compelled to pay charges to obtain credit hours marks in Continuous Medical Education (CME).

2. One of the grounds raised in the instant writ petition, is that failure to undergo Continuous Medical Education (CME), for a period from 2012-2017, cannot be equated by payment of Rs.50 per credit hour.

3. Though the abovesaid grounds appears to be prima facie satisfy to issue notice to the respondents for an appropriate answer, when attention of this Court was invited to the Chapter 7, which deals with misconduct and Chapter 8, which deals with punishment and disciplinary action, under the Indian Medical Council (Provisional Conduct, Etiquette and Ethics) Regulations 2002, and when the Court observed that ultimately, if the impugned G.O.Ms.41, dated 10.10.2018, is set aside, then the Tamil Nadu Medical Council, would revert back to Chapters 7 and 8, which deals with misconduct, subsequent punishment and

disciplinary action, Mr.C.Kanagaraj, learned counsel for the petitioner, seeks permission of this Court, to withdraw the writ petition. He has also made an endorsement to that effect.

4. Permission is granted. Writ petition is dismissed as withdrawn. No Costs. Consequently, the connected writ miscellaneous petitions are closed.

dm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Union of India,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.
2. The Medical Council of India
Presently changed as
The National Medical Commission,
Pocket - 14, Sector -8,
Dwarka Phase - 1,
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3. The Principal Secretary,
Government of Tamil Nadu
Department of Health and Family Welfare,
Secretariat, Fort St., George,
Chennai - 600 009.
4. The Registrar,
Tamil Nadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam,
Chennai - 600 106.

+1cc to M/s.R.Durgarani, CGSC, vide S.R.No.15279/19

+1cc to M/s.C.Kanagaraj Associates, Advocate, S.R.No.15320/19

+1cc to the Government Pleader, S.R.No.15536/19

W.P.No.3987 of 2019

Kak(01/04/2019)