

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.8532 of 2011
and M.P.No.2 of 2012

Dr.K.Arulvel

...Petitioner

vs.

1.The Union Government of India,
rep. by its Secretary to Government,
Department of Health & Family Welfare,
Nirman Bhavan,
Moulana Azad Road,
New Delhi 110 011.

2.The Union Government of India,
rep. by its Secretary to Government,
Department of Human Resources,
Government of India,
New Delhi.

3.The Medical Council of India,
New Delhi, Pocket 14, Sector-8,
Dwarika, New Delhi - 110 077.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 1st Respondent's Notification published in Part II Section 3 Sub-Section (ii) of the Gazette of India, Extraordinary-Govt. of India, Ministry of Health & Family Welfare and Department of Health & Family Welfare New Delhi dated 07.03.2008 and to quash the same, in so far as in para 4 line 27, this Central Govt. has decided to give recognition to the acclaimed Post Graduates of Medical Degree in English Speaking Countries alone and consequently, to direct the 1st Respondent to include all Post Graduate Medical qualification awarded in U.S.S.R and recognise them for enrolment as Medical Practitioner in his concerned specialization in that country in the notification Govt. of India Ministry of Health and Family Welfare New Delhi dated 07.03.2008 and amend Part II of Third Schedule of Indian Medical Council Act, 1956 to grant recognition to the Petitioner's P.G. Degree M.S. Surgery granted by St.Petersburg State Medical Academy, Russia in 2007 and

registered by Ministry of Education and Science, Russia on 22.11.2007 vide Reg. No.78947 and 78948 as per III Schedule amendment in Sub-Section 4 of Section 13 of the Indian Medical Council Act 1956 to enable the petitioner to practice in the field of Surgery in India.

For Petitioner: Mr.T.P.Kathirraavan
for M/s.A.K. Rajeswari Associates

For Respondents:M/s.T.L.Thirumalaisamy for R1 & R2
CGSC

Mr.M.S.Seshadri for R3
for Mr.V.P.Raman

ORDER

The case of the petitioner is that the petitioner completed his UG and PG Medical Course in Russia. After successfully completion, the petitioner also completed the qualified examination conducted by the Union Government for recognising UG Degree. After completion, the petitioner's PG Degree was not recognised for which the writ petition has been filed, challenging the above said notification which recognised only five countries, namely, Australia, Canada, New Zealand, United Kingdom and United States of America.

2.In order to recognise his PG Degree, the petitioner made representations to the Hon'ble Prime Minister of India, Hon'ble Minister for Health & Family Welfare and the President of the Medical Council of India. However, the petitioner not made any representation to the first respondent.

3.The learned counsel appearing for the petitioner would submit that though the petitioner not made representation to the first respondent for recognising his PG Degree on par with a candidate who completed the PG Degree for other countries, i.e., Australia, Canada, New Zealand, United Kingdom and United States of America.

4.In order to recognise his PG Degree, the petitioner is permitted to make representation to the first respondent, if any representation is received, thereafter pass appropriate orders.

5.Considering the request made by the learned counsel appearing for the petitioner, so consider the limited request, without going into the merits of the case, I am inclined to grant permission to the petitioner to make representation to the first respondent. If any representation is received, the first respondent has to pass appropriate orders.

6.With the above directions, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Union Government of India,
Department of Health & Family Welfare,
Nirman Bhavan,
Moulana Azad Road,
New Delhi 110 011.
 - 2.The Secretary to Government,
Union Government of India,
Department of Human Resources,
Government of India,
New Delhi.
 - 3.The Medical Council of India,
New Delhi, Pocket 14, Sector-8,
Dwarika, New Delhi - 110 077.
Department of Health & Family Welfare,
Nirman Bhavan,
Moulana Azad Road,
New Delhi 110 011.
- +1cc to Mr.T.L.Thirumalaisamy, Advocate Sr.69962
+1cc to Mr.T.Kathiravan, Advocate Sr.69990
+1cc to Mr.V.P.Raman, Advocate Sr.70286

W.P.No.8532 of 2011
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srg 28/09/2019