

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

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THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.24157 of 2018
and W.M.P.No.28158 of 2018

Lokeshwar Raaju

.. Petitioner

Vs.

1. Government of India
Rep. By its Secretary,
Ministry for Health and Family Welfare,
Nirman Bhavan,
New Delhi-110 011.
2. Medical Council of India
Rep. by its Secretary,
Pocket-14, Sector-8,
Dwaraka Phase 1,
New Delhi 110 077.
3. The Tamil Nadu Dr.M.G.R. University
Rep. by its Registrar,
No.69, Anna Salai,
Little Mount, Guindy,
Chennai- 600 032.
4. Madha Medical College and Research Institute
Rep. by its Dean,
Kundrathur Main Road,
Kovur, Thandalam,
Chennai 600 125.

.. Respondents

* * *

Prayer :

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus to direct the second respondent to forward the sponsor note for the fourth respondent College to the Educational Commission for Foreign Medical Graduate (ECFMG) to get ECFMG Sponsor note added in the World Directory of Medical Schools so as to enable the petitioner to register for taking up the United States Medical Licensing Examination (USMLE) within the time frame fixed by this Court.

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For Petitioner : Ms.R.Vaigai, Senior Counsel
for Mr.Balan Haridas

For Respondents : Mr.K.Sasikumar,
Central Government Standing Council
for R1

Mr.V.P.Raman for R2

Ms.P.Rajalakshmi for R3

O R D E R

The prayer of the writ petitioner is to direct the second respondent to forward the sponsor note for the fourth respondent college to the Educational Commission for Foreign Medical Graduate (ECFMG) added in the World Directory of Medical Schools enabling him to register his name for taking up the United States Medical Licensing Examination (USMLE) within a period specified by this Court.

2. The petitioner is a Practicing Doctor with registration No.130735 assigned by the second respondent. He joined his Bachelor of Medicine and Bachelor of Surgery (MBBS.,) Course in the fourth respondent College, which is affiliated to the third respondent Medical University, in the year 2012-2013 and completed the course in March 2017. The petitioner claimed that he intended to pursue higher studies in the United States of America (USA), for which, he has to register himself with the Educational Commission for Foreign Medical Graduates (ECFMG), a registration and score reporting agency of the USMLE, which will assess the readiness of International Medical Graduates to enter Residency or Fellowship Program in the USA.

3. It is stated by the petitioner that the Medical Colleges in India have to get registered themselves with the ECFMG, which will be reflected in the World Directory of Medical Schools, for which, the College has to be sponsored by the second respondent. Having recognized by the Government of India and approved by the second respondent, the name of the fourth respondent college should be included in the list. Since the fourth respondent college name is not sponsored by the second respondent and not reflected in the said Directory, the petitioner could not pursue his higher studies.

4. It is also submitted that the similarly placed students, who were pursuing medical education in the colleges of similar status, were able to take up the examination even during their

college days, but the petitioner after coming into practice could not take up the examination for no fault of his. The petitioner as well as the fourth respondent College approached the first and second respondents in vain. Hence, the petitioner is before this Court.

5. Heard Ms.R.Vaigai, learned Senior Counsel for the petitioner, Mr.K.Sasikumar, learned Central Government Standing Counsel for the first respondent, Mr.V.P.Raman, learned Standing Counsel for the Medical Council of India and Ms.P.Rajalakshmi, learned Standing Counsel for the Tamil Nadu Dr.M.G.R. Medical University.

6. The fourth respondent college was affiliated to the third respondent University and the courses were conducted on the approval granted by the first and second respondents. Admittedly, the college was started in the year 2011 with the Letter of Permission from the Medical Council of India (MCI) with an intake of 150 students. Two batches of students of 2011-2012 and 2012-2013 have completed their degrees, including CRRi and their M.B.B.S. Degrees are also recognized by the MCI.

7. The issue now is there is no sponsor note issued by the second respondent due to the reason that the fourth respondent college could not rectify the deficiencies in compliance with the norms of the second respondent. Therefore, the fourth respondent college was not allowed to admit students for the subsequent academic years of 2013-2014, 2014-2015, 2015-2016 and 2016-2017. The challenge to the said refusal of the recognition before the Supreme Court also ended with a direction to the second respondent to conduct a fresh inspection by affording them another opportunity. However, the said refusal of the approval to the fourth respondent college cannot be put against the students, who were originally admitted during 2011-2012 and 2012-2013, on which date, there was a valid approval and subsequently the degrees are also recognised by the second respondent. It is only those students, who joined in 2011-2012 and 2012-2013 are put to hardship due to the subsequent refusal of the approval.

8. Learned Senior Counsel for the petitioner contends that those students, who have passed out, have been waiting to register for ECFMG, but they were unable to initiate the process, as the college does not have the sponsor note, as yet in the World Medical Educational Directory. When the petitioner and the other students, who joined in the year 2011-2012 and 2012-2013 are otherwise qualified and their degrees are approved by the MCI, there may not be any impediment for the second respondent to issue the sponsor note.

9. Learned counsel for the second respondent-Medical Council of India contended that they will have no objection for doing so, as it is only subject to the approval of the first respondent.

10. As the second respondent, being the governing body for all medical institutions, has got no objection for issuing the sponsor note in the World Directory of Medical Schools for including the name of the fourth respondent college indicating its approval only for the said year 2011-2012 and 2012-2013, the first respondent cannot have any objection for issuing the sponsor note for the fourth respondent college in the Medical Directory of Medical Schools by indicating the approved status for the limited period of year of 2011-2012 and 2012-2013.

11. Accordingly, the second respondent is directed to forward the sponsor note with respect to the fourth respondent college indicating the approval status for the limited period of year of 2011-2012 and 2012-2013 to the ECFMG, after obtaining necessary approval from the first respondent, enabling the students of the fourth respondent college to undertake the USMLC. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

12. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Ministry for Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi-110 011.

2. The Secretary,
Medical Council of India,
Pocket-14, Sector-8,
Dwaraka Phase 1,
New Delhi 110 077.

3. The Registrar,
The Tamil Nadu Dr.M.G.R. University,
No.69, Anna Salai,
Little Mount, Guindy,
Chennai- 600 032.

+1cc to Mr.K.Sasikumar, Advocate, S.R.No.14888
+1cc to Ms.P.Rajalakshmi, Advocate, S.R.No.14970
+1cc to Mr.V.P.Raman, Advocate, S.R.No.14983
+1cc to Mr.Balan Haridas, Advocate, S.R.No.15085

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