

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.01.2019

CORAM

THE HON'BLE MR.JUSTICE T. RAJA

W.P.NO.17822 of 2018

and

W.M.P.No.21130 of 2018

N.Ilaiyabharathi

..Petitioner

Vs

1. The Secretary,
Medical Council of India,
Pocket 14, Sector 8,
Dwaraka,
New Delhi-110 077.
2. The Registrar,
Pondicherry University,
R.Venkatraman Nagar,
Kalapet,
Puducherry-605 014.
3. The Director,
Sri Manakula Vinayagar Medical College and Hospital,
Kali-theerthalkuppam, Madagadipet,
Puducherry-605 107.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus to call for the records relating to the impugned memorandum issued by the 3rd respondent in No.SVMCH/DO/CRRI-Extension of Posting/2017-18/580 dated 04.05.2018 and to quash the same in so far as internship posting by 110 days is concerned and consequently, directing the respondents to allow the petitioner to complete the internship training programme for 29 days in any other Medical College affiliated to 2nd respondent University and direct the 3rd respondent to issue course completion certificate to the petitioner.

For Petitioner : Mr.R.N.Amarnath

For R1 : Mr.V.P.Raman
(Standing counsel)

For R2 : Mr.V.Balamurugan
(Standing Counsel)

For R3 : B.Balavijayan

O R D E R

Mr.N.Ilaiyabharathi, who has completed the final year MBBS course has come to this Court questioning the correctness of the impugned order passed by the 3rd respondent, namely, the Director, Sri Manakula Vinayagar Medical College and Hospital, Kalitheerthalkuppam, Madagadipet, Puducherry-605 107 in No.SMVMCH/DOCRRI-Extension of Posting/2017-18/580 dated 04.05.2018 and to quash the same insofar as the internship posting by 110 days is concerned with a consequential direction to the 3rd respondent to allow him to the Internship Training Programme for 29 days in any other Medical College affiliated to 2nd respondent University and for further direction, directing the 3rd respondent to issue course completion certificate to the petitioner.

2. Learned Counsel appearing for the petitioner submitted that after the completion of the MBBS course, the petitioner was also given internship posting from 24.04.2017 till 23.04.2018 in different departments for different periods. Accordingly, he has also undergone the internship posting for each department for the period specified and his posting was duly entered in the Internship Diary/Log Book duly countersigned by Unit Chief and Head of Department. While so, when he was lastly posted in the Community Medicine Department, he was attended the Rural Health Centre, Thiruvannainallur, Villupuram District and suffered Chicken Pox. Therefore, he was taken to home and availed 29 days leave for taking treatment, however, he has completed the CRRI course. After completing the CRRI Course, the 3rd respondent college has to forward completion certificate to the 2nd respondent University. Based on the same, the 2nd respondent University has to issue Provisional Pass Certificate -II (PP-II), based on which the PP(II) issued by University, he has to get registered his MBBS qualification in Tamil Nadu Medical Council to become a registered Medical Practitioner. For the reason that the petitioner has approached the Court with Writ Petition No.6033 of 2017 seeking a direction to the respondent college to provide internship training programme for him without

insisting him to pay the additional tuition fees, as demanded and since the said Writ Petition was also allowed, to victimize the petitioner, he was once again directed to undergo the CRR training for another period of 139 days when the attendance lapse is only 29 days.

3.A counter affidavit has been filed by the 3rd respondent.

4.Learned Counsel appearing for the 3rd respondent would submit that when the petitioner was undergoing CRR internship training, he has abstained from the duty assigned in the Departments except making his presence for the mere purpose to get attendance. This is quite evident about his poor performance of work assigned during the CRR posting periods in various departments as seen from the Assessment Report. The learned Counsel further submitted that since the petitioner was merely present in the concerned departments, namely, attendance on the particular days of posting and for the reason that he has not done the required work of seeing the patients and treating them, he has been advised to undergo another 139 days for completion of CRR Training.

5. The stand taken by the 3rd respondent in paragraph 3 clearly shows that the petitioner was admittedly present in all these days. Therefore, this Court finds no merit in the stand taken by the 3rd respondent. Therefore, the Writ Petition is allowed with a consequential direction to the respondents to permit him to undergo 29 days of CRR Training. Needless to mention that on completion of 29 days of CRR training, the 3rd respondent is hereby directed to issue the Completion Certificate based on which the 2nd respondent can also issue the further Certificate. No costs. Consequently, connected Miscellaneous Petition is closed.

tsi/rri

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2. The Registrar,
Pondicherry University,
R.Venkatraman Nagar,
Kalapet,
Puducherry-605 014.

3. The Director,
Sri Manakula Vinayagar Medical College and Hospital,
Kaliatheerthalkuppam, Madagadipet,
Puducherry-605 107.

+1cc to Mr.R.N.Amarnath, Advocate, S.R.No.1526

+1cc to Mr.V.P.Raman, Advocate, S.R.No.644

+1cc to Mr.B.Balavijayan, Advocate, S.R.No.939

W.P.NO.17822 of 2018
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