

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.27058, 27105, 27389, 27390, 28111,
28121, 30319 & 31823 of 2018
and

W.M.P.No.31467 of 2018 in W.P.No.27058 of 2018
W.M.P.No.31519 of 2018 in W.P.No.27105 of 2018
W.M.P.Nos.31892, 31894 & 31896 of 2018 in W.P.No.27389 of 2018
W.M.P.Nos.31893, 31897 & 31901 of 2018 in W.P.No.27390 of 2018
W.M.P.No.32763 of 2018 in W.P.No.28111 of 2018
W.M.P.No.32766 of 2018 in W.P.No.28121 of 2018
W.M.P.No.35382 of 2018 in W.P.No.30319 of 2018
W.M.P.Nos.37057 & 37059 of 2018 in W.P.No.31823 of 2018

Dr.M.Sai Surendar ... Petitioner in WP.No.27058/2018
Dr.John Nobel Thomas ... Petitioner in WP No.27105/2018
Dr.T.S.Srinath Kumar ... Petitioner in WP No.27389/2018
Dr.Shiju Stanley ... Petitioner in WP No.37390 and
30319/2018
Dr.Saji AB ... Petitioner in WP No.28111/2018
Dr.M.Waseem Ahmed ... Petitioner in WP No.28121/2018
Dr.M.Sai Surender ... Petitioner in WP No.31823/2018

Vs.

- 1.The Union of India,
Represented by its Secretary,
Ministry of Health and Family Welfare,
A-Wing, Nirman Bhawan,
Maulana Azad Road,
New Delhi - 110 011.
- 2.The State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Secretariat,
Chennai - 600 009.

3.The Medical Council of India,
Represented by its Secretary,
Pocket-14, Sector-8,
Dwarka Phase-I,
New Delhi - 110 077.

4.The Tamil Nadu Medical Council,
Represented by its Registrar,
No.914, Poonamalle High Road,
Arumbakkam,
Chennai - 600 106.

5.The Directorate of Medical Education,
Represented by its Director,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

6.The University Grants Commission,
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

7.The Tamil Nadu Dr.M.G.R. Medical University,
Represented by its Registrar,
No.69, Anna Salai,
Guindy, Chennai - 600 032.

8.Sri Ramachandra University,
Represented by its Registrar,
No.1, Ramachandra Nagar,
Porur, Chennai - 600 116.

... Respondents in WP. No.27058,
27105, 28111, 28121/18

1 Union of India
Rep. by the Secretary to Government
Department of Health and Family Welfare
Nariman Bhavan Moulana Azad Road
New Delhi - 110 108.

2 The Medical Council of the
Pocket - 14 Sector - 8,
Rep. by Register
Dawaraka Phase - I New Delhi - 110 077.

3 Tamil Nadu Medical Council
Rep. by the Registrar New No.914 Old No.
569 Ponamallee high Road Arumbakkam
Chennai - 600 106.

- 4 Vinayaka Mission University
Rep. by Registrar Sankagiri Main Road
Ariyanoor Salem.
...Respondents in WP 27389 and 27390, 30319/2018
- 1 The Union Of India
Rep. by its Secretary Ministry of Health
and Family Welfare A-Wing Nirman Bhawan
Maulana Azad Road
New Delhi - 110011
- 2 The Union of India
Rep. By its Secretary Ministry of Human
Resource Development Shastri Bhawan
New Delhi - 110001
- 3 The State of Tamil Nadu
Rep. by its Secretary Department of Health
and Family Welfare Secretariat
Chennai - 600009
- 4 The Medical Council of India
Rep. by its Secretary Pocket - 14
Sector - 8 Dwarka Phase - I
New Delhi - 110077
- 5 The Tamil Nadu Medical Council
Rep. by its Registrar
No. 914 Poonamallee High Road
Arumbakka Chennai - 600106
- 6 The Directorate of Medical Education
Rep. by its Director No. 162
EVR Periyar Salai Kilpauk Chennai - 600010
- 7 The University Grants Commission
Rep. by its Secretary
Bahadur Shah Zafar Marg New Delhi - 110002
- 8 The Tamil Nadu Dr. MGR Medical University
Rep. by its Registrar
No. 69 Anna Salai Guindy
Chennai - 600032
- 9 Sri Ramachandra University
Rep. by its Registrar No. 1 Ramachandra
Nagar Porur Chennai - 600016

...Respondents in WP No.31823 /2018

PRAYER in W.P.No.27058 of 2018 and 28111, 27105 : Writ Petitions

filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the notice dated 17.05.2018 vide Ref.No.TNMC/G 172/2018 issued by the 4th respondent and to quash the same as arbitrary, illegal and consequentially direct the 8th respondent to apply to the 1st respondent as per section 11(2) of the Indian Medical Council Act, 1956 seeking recognition of Doctor of Medicine-Accident and Emergency Medicine degree studied by the petitioner in the 8th respondent University.

Prayer in WP No.27389 and 27390/2018

To issue a writ of certiorarified mandamus Calling for the records relating to the impugned notice / proceedings of the 3rd Respondent in Ref. No. TNMC/G 172/2018 dated 17.05.2018 quash the same and consequently direct the Respondents 1 to 3 to consider the grant of recognition to the course of M.D. in (Emergency Medicine) in the Vinayaka mission University with retrospective effect from the academic year 2007 onwards in exercies of the Powers conferred under section 19(4) of the Indian Medical Council Act 1956 .

Prayer in WP No.31823 /2018: To issue a writ of certiorarified mandamus to call for the records culminating into the impugned order bearing Ref. No. TNMC/ G 530/ 2018 dated 15.10.2018 passed by the 5th respondent and to quash the same as illegal and consequentially direct the respondents 1 -4 to consider granting of retrospective recognition from the year 2008 to the Medical Qualification of M.D.(Accident and Emergency Medicine) as the same was granted by 9th respondent (which is declared as Deemed to be University by the 2nd respondent on the advice of 7th Respondent as per Section 3 of The University Grants Commission Act 1956) to the Petitioner as per section 22 of The University Grants Commission Act 1956.

Prayer in WP No.30319/2018 :To issue a writ of certiorarified mandamus calling for the records relating to the impugned Proceedings of the 3rd respondent in Ref.No.TNMC/G530/2018 dated 15.10.2018 quash the same and consequently direct the Respondent 1 to 3 to consider the grant of recognition to the course of M.D. in (Emergency Medicine) in the Vinayaka Mission University with retrospective effect from the academic year 2007 onwards

Prayer in WP No.28121/2018 :

To issue a writ of certiorarified mandamus to call for the records of the notice dated 17.05.2018 vide Ref.No.TNMC/G 172/2018 issued by the 4th respondent and to quash the same as

arbitrary illegal and to restrain the 4th respondent from interfering in the petitioners professional practice as a doctor with the additional qualification of Doctor of Medicine-Accident and Emergency Medicine.

W.P.No.27058 of 2018, 28111 and 28121/18

For Petitioner : Mr.R.Shanmugasundaram, Senior Counsel
for M/s.S.John in WP.Nos.27058, 27105,
28111, 28121 and 31825 of 2018
Mr.R.Viduthalai, Senior counsel for
M/s.P.K.Sabapathi

Mr.T.V.Krishnamachari, Senior Panel Counsel for R1,
Mr.V.P.Raman for R2

Mr.G.Sankaran for R3

Mr.K.M.Vijayan, Senior Counsel for M/s.E.vijay Anand for R4

..Petitioner in WP No.27389 and 27390, 30319 of 2018

Mr.T.V.Krishnamachari, Senior Panel Counsel for R1 and R2

Mr.N.Inbanathan, Additional Government Petitioner for R3

Mr.V.P.Raman for R4

Mr.G.Sankaran for R5

Mr.T.M.Pappiah, Special Government Pleader for R6

Mr.P.R.Gopinathan for R3

Mr.D.Ravichander for R8

Mr.Abishek Jenasenan for R9 ..in WP No.31823 of 2018

For R1 : Mr.T.V.Krishnamachari
Senior Panel Counsel

For R2 : Mr.N.Inbanathan
Additional Government Pleader

For R3 : Mr.V.P.Raman

For R4 : Mr.G.Sankaran

For R5 : Mr.T.M.Pappiah
Special Government Pleader

For R6 : Mr.P.R.Gopinathan

For R7 : Mrs.P.Rajalakshmi

For R8 : Mr.Abishek Jenasenan

in WP.Nos. 27058, 27105, 28111, 28121/18

COMMON ORDER

Since the issue involved in all these writ petitions is common, these writ petitions have been taken up together and disposed of by means of this common order.

2. The prayer of the petitioners is to quash the proceedings of the Registrar of the Tamil Nadu Medical Council with a consequential direction to the private respondent to get recognition for Doctor of Medicine - Accident and Emergency Medicine degree studied by the petitioners.

3. This Court by order dated 26.03.2019 directed the Medical Council of India to re-consider the matter and convey its opinion to the Ministry of Health and Family Welfare, Government of India, at the earliest.

4. It is now stated by the learned counsel appearing for the Medical Council of India that there was a meeting of Board of Governors yesterday in this regard and the minutes are not yet ready.

5. The Medical Council of India is directed to forward the minutes of the proceedings to the first respondent forthwith and the first respondent is directed to consider the same and take appropriate decision based on the minutes and communicate the same to the petitioner within a period of three weeks from the date of receipt of communication from the Medical Council of India.

6. With the above directions, these writ petitions are closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Union of India,
Ministry of Health and Family Welfare,
A-Wing, Nirman Bhawan,
Maulana Azad Road,
New Delhi - 110 011.

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2.The Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai - 600 009.

3.The Secretary,
Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-I, New Delhi - 110 077.

4.The Registrar,
Tamil Nadu Medical Council,
No.914, Poonamalle High Road,
Arumbakkam, Chennai - 600 106.

5.The Director,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

6.The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

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

8.The Secretary,
Union of India,
Ministry of Human Resource Development,
Shastri Bhawan, New Delhi 110 001.

+2 cc to Mr. T.V.Krishnamachari, Advocate SR.No.39195

+2 cc to Mr. Abishek Jenasenar, Advocate SR.No.40254

+2 cc to Mr. Ashok Kumar, Advocate SR.No.39218

+1 cc to Mr. D.Ravichander, Advocate SR.No.39573

+1 cc to Mr. G.Sankaran, Advocate SR.No.39624

+1 cc to Mr. V.P.Raman, Advocate SR.No.39229

+1 cc to Mr.E.Vijay Anand, Advocate SR.No.39261

+1 cc to Mr.P.R.Gobinathan, Advocate SR.No.40328

+2cc to Government Pleader SR.No.39906,40616

W.P.Nos.27058, 27105, 27389, 27390, 28111,
28121, 30319 & 31823 of 2018

AK(CO)
GN(29/05/2019)