

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28284 of 2018
and
W.M.P.No.32987 of 2018

Dr.T.Nalini

.. Petitioner

Vs.

- 1.The Executive Director,
National Board of Examinations,
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg (Ring Road),
New Delhi - 110 009.
- 2.The Secretary,
Medical Council of India,
Sector-8, Phase-1,
Pocket-14, Dwarka,
New Delhi - 110 077.
- 3.The Under Secretary,
Ministry of Health & Family Welfare Department,
Nirman Bhavan,
New Delhi - 110 011.
- 4.The Dean,
Thanjavur Medical College,
Thanjavur - 613 004.

.. Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents especially the first respondent to declare the practical exam results withhold by them as per the status available in online of the first respondent.

For Petitioner : Mr.V.Balu
For R1 : Mr.Dhruva
for M/s.Anand, Samy & Dhruva
For R2 : Mr.V.P.Raman
For R3 : Mr.B.Rabu Manohar
For R4 : Served - No appearance

O R D E R

The prayer in the writ petition is for issuance of mandamus seeking a direction to the respondents, in particular, the first respondent to declare the results of the practical examinations withheld by them as per the status available in online of the first respondent.

2. Heard the learned counsel appearing on both sides.

3. According to the petitioner, the theory examinations results were published by the first respondent, but the results of the practical examinations were withheld and the reason stated by the first respondent for withholding the result is that the petitioner should submit the additional qualification registration certificate issued by the Medical Council of India, namely, the second respondent herein. The petitioner also approached the second respondent by way of registered post and also obtained information under the RTI Act. The second respondent in their reply dated 21.05.2018 had stated that the fourth respondent-College, namely, Tanjavure Medical College is not included in the schedule to the Indian Medical Council Act. Hence, the petitioner's application is still pending with the Medical Council of India for the said reason.

4. In the Meeting of the Postgraduate Medical Education Committee held on 23.11.2005, one of the agendas and the minutes therein is as follows:

"Clause 171(ii) - Madras University and the Tamilnadu Dr. M.G.R. Medical University, Chennai - Approval of Thanjavur Medical College, Thanjavur for the award of M.D.(Obst. & Gynae.) and D.G.O. Qualification - consideration of compliance regarding: Thanjavur Medical College, Thanjavur be approved for the award of M.D.(Obst. & Gynae.) & D.G.O. qualifications earlier granted by Madras University and now by the Tamilnadu Dr. M.G.R. Medical University, Chennai."

5. As it was already approved formally, the learned Counsel appearing on behalf of the Central Government - third respondent sought time to verify the same and upon instructions, after verification, Mr.Rabu Manohar, learned counsel appearing for the third respondent stated that they have no objection for the practical examinations results being published immediately.

6. Accordingly, the first respondent is directed to publish the results of the practical examinations of the petitioner forthwith.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rsi

To

- 1.The Executive Director,
National Board of Examinations,
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg (Ring Road),
New Delhi - 110 009.
- 2.The Secretary,
Medical Council of India,
Sector-8, Phase-1,
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- 3.The Under Secretary,
Ministry of Health & Family Welfare Department,
Nirman Bhavan, New Delhi - 110 011.
- 4.The Dean,
Thanjavur Medical College,
Thanjavur - 613 004.

+1cc to Mr.VP.Raman, Advocate SR.No.39230

+1cc to Mr.V.Balu, Advocate SR.No.39780

+1cc to Mr.Anand Samy, Advocate SR.No.40253

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SPD(CO)
GMY(21/05/2019)