

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.31436 of 2018
and W.M.P.No.36628 of 2018

Dr.T.Ishwarya

.. Petitioner

/versus/

1.The Union of India,
Rep.by The Ministry of Health,
Office of the Health Minister,
New Delhi.

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

3.The President,
Tamilnadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam,
Chennai-600 016.

4.The Vice Chancellor/The Dean,
Vinayaka Missions University,
Karaikal

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 & 3 to register the petitioner name for M.D. Paediatric as per her representation dated 02.11.2018 within a stipulated time fixed.

For petitioner : Mr.S.Gunalan

For Respondents : Ms.Meenakumari for R1
Mr.V.P.Raman for R2
Mr.G.Sankaran for R3
Mr.L.Swaminathan for R4

O R D E R

Heard the learned counsel for the petitioner and the learned counsels for the respondents.

2. The petitioner herein has completed her MBBS course at Vinayaka Missions Medical College, Karaikal during the year 2010. After that she underwent the compulsory Rotatory Resident Internship and accorded as registered medical practitioner with the Tamil Nadu Medical Council. In the year 2013, she joined M.D. Paediatrics and completed the course in year 2016. The provisional certificate has also been issued to her indicating the successful completion of the course. When she attempted to register for M.D. Paediatrics with the Tamil Nadu Medical Council/the 3rd respondent herein declined to register her M.D. Paediatrics degree on the ground that the 2nd respondent has not accorded recognition to the 4th respondent University for the M.D. paediatrics course.

3. According to the petitioner, the 2nd respondent has already issued letter of permission/recognition of M.D. paediatrics course in the 4th respondent University. Based on that, the 4th respondent college admitted the students in the M.D. paediatrics and the petitioner underwent the course. The letter of permission issued by the Medical Council of India positively indicates that they are considering grant of recognition of the 4th respondent institute. However, there is undue delay in according recognition. Hence, the representation given by the petitioner herein to the respondents dated 02.11.2018 has to be considered and mandamus to direct them to consider and pass orders on the representation.

4. From the representation of the petitioner, we find the 4th respondent University was originally permitted to take two students per year in the M.D. Paediatrics. Subsequently, on the request of the 4th respondent, the 2nd respondent has issued letter of permission to increase the intake from 2 to 4 seats, but till date the increase in seats intake not notified. This causes delay in registering M.D. Paediatrics degree of the students who have been admitted in the additional two seats.

5. The learned counsel for the Medical Council of India/the 2nd respondent herein has produced a communication of the 2nd respondent to the other authorities including the Dean/Principal, Vinayaka Missions Medical College and Hospital, Karaikal, where the petitioner herein undertook the M.D. Paediatrics. In the said communication the Board of Governors of Medical Council of India has decided to grant recognition to the 4th respondent University.

The resolution of the MCI Board of Governors meeting dated 23.07.2019 reads as below:

"The Board of Governors considered the compliance submitted by the college authorities vide letter dated 25.05.2019 and previous assessment

reports (28.02.2019, 07.03.2019, 06.06.2016, 03.08.2015 & April 2014) together with the recommendations of the PG Expert Group (BoG) and decided to recommend to the Central Government that recognition of MD(Paediatics) qualification for 2 (two) seats granted by Vinayaka Missions University, Salem in respect of students being trained at Vinayaka Missions Medical College & Hospital, Karaikal, Puducherry be renewed.

The Board of Governors further decided to recommend to the Central Government that the recognition of MD (Paediatics) qualification against increased intake from 02(two) to 03 (Three) seats granted by Vinayaka Missions University, Salem in respect of students being trained at Vinayaka Missions Medical College & Hospital, Karaikal, Puducherry be reconized and included in the 1st Schedule to the I.M.C.Act, 1956.

The Board of Governors further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course."

6. From the said communication, we find that the decision of the MCI Board has to be uploaded in the MCI website and based on that the 3rd respondent Tamilnadu Medical Council will act upon it. Since the representation of the petitioner herein has been acted upon by the Tamilnadu Medical Council and also been communicated to the said Medical Council of India. It is suffice to direct the 3rd respondent herein to follow the resolution of the Medical Council of India Board of Governors and permit the petitioner herein to register her MD Paediatics in the Council.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rpl

To

1.The Ministry of Health,
The Union of India,
Office of the Health Minister,
New Delhi.

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

3.The President,
Tamilnadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam,
Chennai-600 016.

4.The Vice Chancellor/The Dean,
Vinayaka Missions University,
Karaikal

+1cc to Mr.S.Gunalan, Advocate SR.No.72577

+1cc to Ms.Meenakumari, Advocate SR.No.72549

+1cc to Mr.G.Sankaran, Advocate SR.No.72965

+1cc to Mr.L.Swaminathan, Advocate SR.No.73732

+1cc to Mr.VP.Raman, Advocate SR.No.72547

सत्यमेव जयते

W.P.No.31436 of 2018
and W.M.P.No.36628 of 2018

PP (CO)
GMY (04/09/2019)

WEB COPY