

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.10125 of 2020 and 13410 of 2020
and WMP. Nos.16551 and 16556 of 2020

W.P.No.10125 of 2020:
Dr.Relve P.Verghese

... Petitioner

Vs.

1. Tamil Nadu Medical Council,
Rep. By its Registrar,
New No.914, Poonamallee High Road,
Arumbakkam, Chennai.
 2. The Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai-10.
 3. Tamil Nadu Dr.M.G.R.Medical University,
Rep. By its Registrar,
69, Anna Salai, Guindy, Chennai.
 4. Karpagam Faculty of Medical Science & Research
Rep. By its Dean,
Pollachi Main Road, Othakkalmandapam,
Coimbatore.
 5. Sri Moogambigai Institute of Medical Science,
Rep. By its Dean,
Padanilam, Kulasekaram.
 6. The Medical Council of India, Pocket-II,
Sector-8, Dwaraka Phase-1,
New Delhi -110 077.
- (R7 impleaded vide order dated 19.08.2020
made in WP No.10125 of 2020)

... Respondents

W.P.No.13410 of 2020:

Karpagam Faculty of Medical Science & Research
Rep. By its Chief Executive Officer,
Pollachi Main Road, Othakkalmandapam Post,
Coimbatore.

.....Petitioner

Vs.

1. Tamil Nadu Dr.M.G.R.Medical University,
Rep. By its Registrar,
69, Anna Salai, Guindy, Chennai.
2. Tamil Nadu Medical Council,
Rep. By its Registrar,
New No.914, Poonamallee High Road,
Arumbakkam, Chennai.

...Respondents

Prayer in W.P.No.10125 of 2020: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus to direct the 3rd and 4th respondent to issue particularly the provisional pass certificate-II in MBBS and all other original certificates to the petitioner forthwith and consequently direct the 1st respondent to register and provide the registration number to the petitioner immediately upon submission of the relevant certificates, enabling her to join the post graduate course allotted in the 5th respondent college on or before 31.07.2020.

Prayer in W.P.No.13410 of 2020: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in its order dated 02.09.2020 in Ref. No.TNMC/G 301/2020 quash the same and consequently direct the second respondent to rectify and reissue the provisional registration certificate Nos.5415 to 5557 of 2020 dated 26.04.2019 issued by the 2nd respondent to mention the period of validity from 01.04.2019 to 31.03.2020 instead of 02.04.2019 to 01.04.2020

For Petitioners : Mr.Abishek Jenasenar(in both petitions)

For Respondents : Mr.G.Sankaran - R1 in W.P.No.10125/2020 &
R2 in W.P.No.13410 of 2020

Mr.D.Ravichander - R3 in W.P.No.10125/2020 &
R1 in W.P.No.13410 of 2020

Mr.Abdul Saleem - R2 in W.P.No.10125/2020

Mr.Godson Swaminathan - R5 in W.P.No.10125/2020

Mr.V.P.Raman - Standing Counsel,
Medical Counsel of India

COMMON ORDER

The issue involved in both the writ petitions is common and hence, both the writ petitions are taken up together and this common order is passed. On consent given by either side,

the main writ petitions are taken up for final disposal.

2. W.P No.13410 of 2020 has been filed challenging the impugned rejection order passed by the Tamil Nadu Medical Council. The petitioner institution has an approved intake of 150 seats in the M.B.B.S. Course and it is affiliated to Dr.M.G.R. Medical University (herein after referred to as 'University'). The Petitioner institution admitted 150 students in the M.B.B.S. Course during the academic year 2014 - 2015 and 143 students completed the theory portion of the M.B.B.S. Course successfully and they were issued Provisional Certificate by the University on 25.03.2019.

3. After obtaining the Provisional Pass Certificate - I, the students will have to undergo the Compulsory Rotatory Residential Internship (C.R.R.I.) for a period of one year and only then they can complete the M.B.B.S. Course. Accordingly, the petitioner institution issued an order dated 26.03.2019 giving the C.R.R.I. posting for the 143 students, who had successfully completed the theory portion. Those students had to undergo the C.R.R.I. internship for the period from 01.04.2019 to 31.03.2020. Before these students undergo the C.R.R.I. internship, the Tamil Nadu Medical Council will have to issue a temporary registration to the students. For that purpose, the petitioner institution submitted an application for temporary registration of the students in the on-line portal maintained for this purpose by the Tamil Nadu Medical Council. Unfortunately, an entry was made in the online portal, as if the students commenced their C.R.R.I. internship from 02.04.2019 instead of 01.04.2019. According to the petitioner, this was an inadvertent mistake and as a result of the same, the date of completion of the internship was also wrongly noted as 01.04.2020. In short, instead of mentioning the duration as 01.04.2019 to 31.03.2020, it was mistakenly entered as 02.04.2019 to 01.04.2020.

4. The Tamil Nadu Medical Council also issued certificates of provisional registration by mentioning the period as 02.04.2019 to 01.04.2020. The 143 students completed the C.R.R.I. internship and the petitioner institution also issued the certificate of completion of C.R.R.I. in May- 2020.

5. After the completion of the C.R.R.I. internship, the students have to be issued the Provisional Pass Certificate -II by the University in order to enable the students to pursue with their career. The petitioner institution submitted an application on 11.06.2020 to the University along with all necessary documents and requested the University to issue the Provisional Pass Certificate - II. It is seen from records that the duration of C.R.R.I. internship was also mentioned in the

application as 01.04.2019 to 31.03.2020. The University returned the application submitted by the petitioner institution through its communication dated 21.07.2020, directing the petitioner institution to obtain necessary correction in the temporary registration certificate issued by the Tamil Nadu Medical Council.

6. The petitioner institution wrote to the Tamil Nadu Medical Council on 29.07.2020 and requested to carry out the necessary corrections in the temporary registration certificate by mentioning the period of internship as 01.04.2019 to 31.03.2020. The Tamil Nadu Medical Council through the impugned letter dated 02.09.2020 rejected the request made by the petitioner institution. This has been put to challenge in this writ petition.

7. WP No.10125 of 2020 has been filed by a student who underwent the course in the same institution seeking for a direction to issue the Provisional Pass Certificate - II in M.B.B.S. and all other original certificates, in order to enable the petitioner to join the Post Graduate course that was allotted to her in the 5th respondent College. When this writ petition was admitted, an interim direction was issued to the 5th respondent College to permit the petitioner to join the college without insisting for the Provisional Pass Certificate - II. Accordingly, the petitioner was also provisionally admitted in the 5th respondent College. The result of the writ petition in WP No.13410 of 2020, will have a direct impact in this writ petition and it will be more consequential in nature.

8. Heard Mr.Abshiek Jenasenan and Mr.R.Bharat Kumar, respective counsel appearing on behalf of the petitioners, Mr.D.Ravichander, learned counsel appearing on behalf of the University, Mr. G.Sankaran, learned counsel appearing on behalf of the Tamil Nadu Medical Council, Mr.Abdul Saleem, learned Special Government Pleader appearing on behalf of the Selection Committee and Directorate of Medical Education, Mr.Godson Swaminathan, learned counsel appearing for Sri Moogambigai Institute of Medical Science and Mr.V.P.Raman, learned counsel appearing on behalf of the Medical Council of India.

9. On a careful perusal of the records, it is seen that the petitioner institution has made an inadvertent mistake while submitting the on-line application seeking for temporary registration of the 143 students before the Tamil Nadu Medical Council. Instead of mentioning the period of C.R.R.I. internship as 01.04.2019 to 31.03.2020, it was mentioned as 02.04.2019 to 01.04.2020. The petitioner themselves have categorically stated about this mistake while submitting the representation to the Tamil Nadu Medical Council on 29.07.2020. This mistake has to

be necessarily corrected since it involves the future of 143 students, who have actually undergone the internship for the period from 01.04.2019 to 31.03.2020. These students cannot be deprived of the Provisional Pass Certificate - II from the University even after the completion of the M.B.B.S. Course. The inadvertent mistake cannot be put against them and it requires to be condoned.

10. In view of the above discussion, the impugned rejection letter issued by the Tamil Nadu Medical Council, dated 02.09.2020, is hereby quashed. The Tamil Nadu Medical Council is directed to issue a fresh corrected C.R.R.I. Certificate of Provisional Registration for the 143 students by mentioning the period from 01.04.2019 to 31.03.2020. This fresh certificate shall be issued by the Tamil Nadu Medical Council to the petitioner institution on or before 30.09.2020. Immediately on receipt of the certificate from Tamil Nadu Medical Council, the petitioner institution shall hand over the same to the University. The Tamil Nadu Dr.M.G.R. Medical University shall issue the Provisional Pass Certificate - II, to all those students who have completed the M.B.B.S. Course in the petitioner institution on or before 12.10.2020.

11. The petitioner in W.P.No.10125 of 2020, on receipt of the Provisional Pass Certificate - II shall immediately hand it over to the Moogambigai Institute of Medical Science and the institution shall thereafter provide the entire particulars of the petitioner, to the Medical Council of India on or before 16.10.2020. The time lines fixed by this Court shall be strictly adhered to by all the parties concerned.

12. In the result, both the writ petitions are allowed with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

WEB COPY
Sub Assistant Registrar

rli/rka

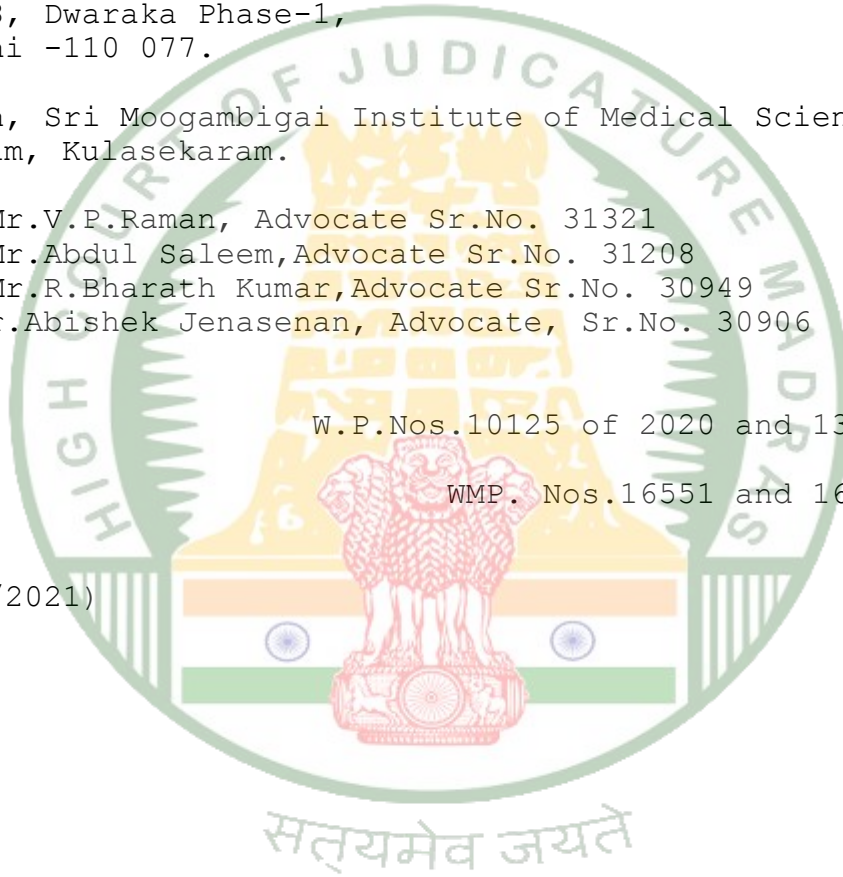
To

1.The Registrar,
Tamil Nadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam, Chennai.

2. The Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai-10.6.
 3. The Medical Council of India, Pocket-II,
Sector-8, Dwaraka Phase-1, New Delhi -110 077.
 - 4.The Registrat,
Tamil Nadu Dr.MGR.Medical University,
69, Anna Salai, Guindy, Chennai.
 - 5.The Medical Council of India, Pocket-II,
Sector-8, Dwaraka Phase-1,
New Delhi -110 077.
 - 6.The Dean, Sri Moogambigai Institute of Medical Science,
Padanilam, Kulasekaram.
- +1 cc to Mr.V.P.Raman, Advocate Sr.No. 31321
+1 cc to Mr.Abdul Saleem,Advocate Sr.No. 31208
+1 cc to Mr.R.Bharath Kumar,Advocate Sr.No. 30949
+2cc to Mr.Abishek Jenasenan, Advocate, Sr.No. 30906

W.P.Nos.10125 of 2020 and 13410 of 2020
and
WMP. Nos.16551 and 16556 of 2020

EV(CO)
RMP(06/01/2021)



WEB COPY