

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mr Justice SENTHILKUMAR RAMAMOORTHY

WP(MD) No.12838 of 2019

and

WMP(MD)No.9596 of 2019

D.SATEESH KUMAR

... PETITIONER

Vs

1 MEDICAL COUNCIL OF INDIA,
REP.BY ITS SECRETARY,
POCKET-14, SECTOR-8,
DWARKA PHASE-I, NEW DELHI-110 077

2 NATIONAL BOARD OF EXAMINATIONS,
THRO.ITS EXECUTIVE DIRECTOR,
MEDICAL ENCLAVE, ANSARI NAGAR,
MAHATMA GANDHI MARG(RING ROAD),
NEW DELHI-110 029

.... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Declaration to declare the Post graduate Medical Education (Amendment) Regulations 2019 as illegal in so far as omitting the MD (Paediatrics) as one of the Prior Requirement for the D.M.(Medical Oncology) and consequently for a direction, directing the respondents to permit the petitioner to appear in the National Eligibility cum Entrance Test (Super Speciality Courses) NEET-SS 2019 in the D.M(Medical Oncology) Course within the time period stipulated by this Hon`ble Court.

Prayer in WMP(MD) . 9596/ 2019 :

To pass an order of interim direction , directing the respondents to permit the petitioner to appear in the National Eligibility cum Entrance Test (Super Speciality Courses) NEET-SS 2019 in the D.M.(Medical Oncology) Course.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.ASWIN RAJASIMMAN, Advocate for Mr.S.RAJASEKAR, Advocate for the petitioner, the court made the following order:-

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

Issue notice to the respondents returnable by three weeks. Private notice is also permitted.

2.It is seen that a writ petition challenging the very same Regulation was filed before the Delhi High Court in W.P.No.5411 of 2019 and by an order dated 27.05.2019, the Division Bench of Delhi High Court granted an interim protection to the petitioner therein by permitting the petitioner therein to appear in National Eligibility cum Entrance Test (Super Speciality Courses) (NEET-SS), Examinations- 2019, also by making it very clear that no special equities will flow in favour of the petitioner and the result will be kept in a sealed cover and be produced before the Court on the next date of hearing.

3.The learned counsel for the petitioner submitted that since the issue involved in this case is also the same issue as that of the one pending before the Delhi High Court and in view of the fact that the Delhi High Court granted interim protection as stated supra, the petitioner shall also be granted similar interim relief.

4.We have perused the interim order passed by the Delhi High Court, which is placed in the typed set of papers. We find that the challenge in this writ petition and the challenge before the Delhi High Court are one and the same.

5.Considering the above stated facts and circumstances, there will be an interim order permitting the petitioner to appear in National Eligibility cum Entrance Test (Super Speciality Courses) NEET-SS 2019 in the D.M. (Medical Oncology) Course. It is made clear that granting this interim order shall not in any way entitle the petitioner to claim equity at a later stage, while hearing the matter on merits, after completion of pleadings.

6.Post the matter after three weeks.

sd/-

06/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SECRETARY,
MEDICAL COUNCIL OF INDIA,
POCKET-14, SECTOR-8,
DWARKA PHASE-I, NEW DELHI-110 077

2 THE EXECUTIVE DIRECTOR,
NATIONAL BOARD OF EXAMINATIONS,
MEDICAL ENCLAVE, ANSARI NAGAR,
MAHATMA GANDHI MARG (RING ROAD),
NEW DELHI-110 029.

+1. C.C. to Mr.T.LAJAPATHI ROY Advocate SR.No.9182

ORDER

IN

WP (MD) No.12838 of 2019 and

WMP (MD) No.9596 of 2019

Date :06/06/2019

MS/VR/SAR-1/06.06.2019/3P.4C



WEB COPY