IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.3951 of 2021

M.Sankar Ganesh ..Petitioner

Vs

1. The Director of Medical Education,
   Kilpauk,
   Chennai - 600 010.

2. The Registrar,
   The Tamil Nadu Dr.M.G.R.Medical University,
   Anna Salai, Guindy,
   Chennai - 600 032.

3. The Dean,
   Madras Medical College,
   Chennai - 600 003. .. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to issue the degree Certificate and Provisional Certificate for the course of B.Sc.Radiotherapy Technology to the petitioner by considering the petitioner's representation dated 09.11.2020.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.Kamalesh Kannan
[For R1 & R3]

Mr.R.Imayavaramban
[For R2]

WEB COPY

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the 2nd respondent to issue the degree Certificate and Provisional Certificate for the course of B.Sc. Radiotherapy Technology to the petitioner by considering the petitioner's representation dated 09.11.2020.

2. The petitioner joined B.Sc. Radiotherapy Technology Course in the third respondent college in September 2016. The

https://hcservices.ecourts.gov.in/hcservices/

duration of the course was 3 years and 6 months compulsory resident internship. Accordingly, the petitioner had to complete the course by January 2020.

3. However, subsequently, when the petitioner had been in the final year or in the internship, it has been informed to them that the internship had been extended for further six months and therefore, it is a one year internship as per the decision taken by the Second respondent University.

4. Therefore, in order to issue the Degree and Provisional Certificate for completing the three years of B.Sc. Radiotherapy Technology, the petitioner has given a representation to the third respondent on 09.11.2020 and since the same has not been considered, the petitioner has approached this Court by filing the present writ petition.

5. Learned counsel appearing for the petitioner would submit that, even though the representation was given sometime in the year 2020 and by the time, though the petitioner has completed the six months internship only and subsequently now, as per the extended period of internship, the petitioner also has completed the same by May 2021. Therefore, after May 2021, in the month of June, atleast the request of the petitioner can be considered by the respondents, especially the 2nd respondent for the purpose of issuance of Degree and Provisional Certificates for the course completed by the petitioner.

6. However, Mr.R.Imayavaramban, learned Standing counsel for the second respondent would submit that, initially, the internship was six months and subsequently, it was extended to one year as per the decision taken by the University and accordingly, all the students, who have been admitted in the year 2016, had to complete the one year internship, which they complete only during the month of May 2021. After completing the same, in the month of June, atleast the third respondent Institute, where the petitioner had studied, has to give the course completion certificate and once the course completion certificate is given by the third respondent Institute it would be followed by a decision that would be taken by the University for grant of Provisional as well as the Degree Certificate and in this regard, the request of petitioner dated 09.11.2020 by way of representation would be considered and accordingly, would be acted upon by the second respondent.

7. I have considered the rival submissions of the learned counsel appearing on the parties. Since the internship had been extended by the University for one year, it cannot be said to be an unlawful one and therefore, the petitioner should have completed the extended period of internship also for the whole

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

one year period, which admittedly, is going to be completed by the month of May 2021 and once the extended period is also successfully completed by the petitioner, this Court feels that, there could be no further impediment for the third respondent to issue a course completion certificate, if no other requirement is required to be fulfilled by the petitioner and once such course completion certificate is issued by the third respondent, based on which, the request of the petitioner made through his representation dated 09.11.2020 can be considered by the second respondent University. Accordingly, the Degree and Provisional Certificate will be issued to the petitioner, if he is eligible to get the same.

8. In that view of the matter, this Court is inclined to dispose of the writ petition with the following order:

That there shall be a direction to the third respondent to consider the course to be completed including the one year extended internship by the petitioner and after completing the same successfully, a course completion certificate to that effect shall be given to the second respondent and on receipt of the same, the second respondent shall consider the request of the petitioner through his representation dated 09.11.2020 and accordingly, after accepting the eligibility of the petitioner, the University can take a decision for issuance of Degree and Provisional Certificate thereafter. The needful can be undertaken by the third and second respondents as indicated above as soon as the petitioner completes successfully the extended period of internship.

9. With these directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

Kak

To

1. The Director of Medical Education,
   Kilpauk,
   Chennai - 600 010.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

2. The Registrar,
   The Tamil Nadu Dr.M.G.R.Medical University,
   Anna Salai, Guindy,
   Chennai - 600 032.

3. The Dean,
   Madras Medical College,
   Chennai - 600 003.

+cc to Mr.R.Jayaprakash,Advocate,Sr.27204

HIGH COURT OF JUDICATURE MADRAS
सत्यमेव जयते
WEB COPY

W.P.No.3951 of 2021

SVI(CO)
baf 17/05/2021

https://hcservices.ecourts.gov.in/hcservices/