



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.633 of 2019 against W.P.No.17822/2018
and C.M.P.No.5145 of 2019

The Director,
Sri Manakula Vinayagar Medical College and Hospital,
Kalitheerthalkuam, Madagadipet,
Pondicherry.

.. Appellant/3rd Respondent

Vs

1.N.Ilaiyabharathi

2.The Secretary
Medical Council of India
Pocket 14, Sector - 8,
Dwaraka, New Delhi.

3.The Registrar,
Pondicheery University,
R.Venkatraman Nagar,
Kalapet, Puducherry.

.. Respondents/Petitioner/Respondents 1 & 2

Appeal filed under Clause 15 of Letters Patent against the order dated 03.01.2019 made in W.P.No.17822 of 2018.

W.P.No.17822 of 2018 : To call for the records relating to the impugned memorandum issued by the 3rd respondent in No.SVMCH/DO/CRRI-Extension of Posting /2017-18/580 dated 04.05.2018 and to quash the same in so far as internship posting by 110 days is concerned and consequently directing the respondents to allow the petitioner to complete the internship training programme for 29 days in any other Medical College affiliated to 2nd respondent University and direct the 3rd respondent to issue course completion certificate to the petitioner.

For Appellant : Mr.B.Balavijayan

For Respondents : Mr.R.N.Amarnath for R1
M/s.Shubharanjani Ananthi for R2
No appearance for R3



JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been filed by the appellant against the order of the learned Single Judge, who while asking the first respondent/student to undergo 29 days CRRI training, held that the remaining period which he though attended but assessed as not good will have to be taken for the purpose of attendance and consequently the performance.

2. Learned counsel appearing for the appellant primarily contended that the role of the Court is very limited and, therefore, the power of judicial review ought not to have been exercised. There is no material that has been proved against the appellant. The first respondent/student completed the course long time back and, thereafter continued the internship. He was utilizing the facilities in the interregnum and that is the reason why the demand was raised earlier which was withdrawn subsequently. Thus, the appeal will have to be allowed.

3. Learned counsel appearing for the first respondent submitted that the assessment has been made contrary to Regulation 6, which speaks of Assessment of Internship. No assessment has been done by the unit heads. It was done subsequently by others who were not available to assess the performance of the first respondent/student. The demand was raised for a sum of Rs.13,50,000/- which was withdrawn only after the orders of this Court in W.P.No.6033 of 2017. In such view of the matter, the order of the learned Single Judge does not warrant interference.

4. We are quite conscious of the fact that the power of judicial review is rather limited. However, considering the facts of the case, we do not wish to interfere with the order of the learned Single Judge. Regulation 6 speaks of assessment of internship and the same is extracted hereunder:-

"(6) Assessment of Internship: i) The intern shall maintain a record of work which is to be verified and certified by the medical officer under who he works. Apart from scrutiny of the record of work, assessment and evaluation of training shall be undertaken by an objective approach using situation tests in knowledge, skills and attitude during and at the end of the training. Based on the record of work and date of evaluation, the Dean/Principal shall issue certificate of satisfactory completion of training, following which the University shall award the MBBS degree or declare him eligible for it."



5. The certification has been done by the medical officer under whom a student works. Learned counsel for the first respondent has demonstrated that the unit chief of various departments were different and the assessments have been made by others. In some case, the name of the unit chief was not recorded. The aforesaid facts are not denied or disputed. It is also not in dispute that there was a dispute between the appellant and the first respondent/writ petitioner with respect to the payment demanded for a sum of Rs.13,50,000/-. This led to the first respondent to file a writ petition W.P.No.6033 of 2017. Only thereafter, orders have been passed and a decision was taken by the appellants to give up the said amount.

6. In the light of the above, we do not wish to interfere with the order of the learned Single Judge particularly, when the period of 29 days is directed to be completed.

7. In such view of the matter, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

1. The Secretary
Medical Council of India
Pocket 14, Sector - 8,
Dwaraka, New Delhi.
2. The Registrar,
Pondicheery University,
R.Venkatraman Nagar,
Kalapet, Puducherry.

+1CC to M/s.Shubharanjani Ananth, Sr.No.30188
+1CC to M/s.R.N.Amarnathi, Sr.No.29976

W.A.No.633 of 2019

SSN (CO)
K.RK. (23.07.2021)