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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29279 of 2019

G.S.Sivakumar

... Petitioner

Vs.

1.The Registrar

Tamil Nadu Dr. M.G.R. Medical University
Guindy, Chennai - 600 025.

2.The Registrar

Tamil Nadu Homoeopathy Medical Council
Arumbakkam, Chennai - 600 106.

3.The Principal

Dr. Hahnemann Homoeopathy Medical
College and Research Centre
Koneripatti, Rasipuram - 637 408.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to issue internship certificate for the Degree of Bachelor of Homoeopathic Medicine and Surgery to the petitioner.

For Petitioner : Ms.M.Karpagam

For R1 : No appearance

For R2 : Mr.J.Saravanel
Standing Counsel (For R2)

For R3 : Mr.D.Prabhu Mukunth (For R3)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the third respondent to issue internship certificate for the Degree of Bachelor of Homoeopathic Medicine and Surgery to the petitioner.

2. The case of the petitioner is that the petitioner after completing his higher secondary, he joined Homeopathy medical course at the 3rd respondent College in the year 2008 and had



successfully completed his BHMS degree in the year 2013. After completion of the said course, the petitioner was given provisional certificate by the 1st respondent College and he will be qualified to receive the degree after completing the prescribed period of one year internship. Hence, the petitioner joined internship in February-March 2013 at Dr.Hahnemann Homoeopathy Medical College and Research Centre and completed the internship for 11 months. Thereafter since he met with an accident, he could not able to finish his internship and therefore, in the year 2014, immediately after recovery, the petitioner met the principal of the 3rd respondent and explained his reason for shortage of one month attendance and requested to provide the internship certificate. The Principal of the said College forwarded his request to the concerned administrative section of the petitioner's college for processing. However inspite of several efforts, no reply or whatsoever has been received. Hence, the petitioner once again sent a detailed representation dated 04.09.2019 to the 3rd respondent, then too there is no reply or response till date. Aggrieved over the same, the petitioner is before this Court by way of this Writ Petition.

3.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 04.09.2019 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Standing Counsel appearing for the 3rd respondent submitted that though the petitioner claims that he made representation dated 04.09.2019, on 19.09.2019, the 3rd respondent vide letter No.186/19, had sent a reply letter by stating that as per university norms one year internship should be completed within 24 months from the date of joining, however the petitioner reported to duty only for the 69 ½ days, after which he has not reported to duty without any proper intimation to the college authorities or medical superintendent and further though reminder letters have been sent to the address of the petitioner from College Office, he did not respond to them. Further in the letter of the petitioner dated 04.09.2019, he has mentioned many fabricated false information regarding his internship period. Therefore, the petitioner is not entitled for completion of internship certificate. Furthermore, the petitioner without challenging the reply letter dated 19.09.2019, filing the present petition is not maintainable. Further the 3rd respondent have no power to condone the petitioner's absence, it is for the University to condone the absence and issue direction to the College to admit the students for remaining period. Therefore, in the absence of any such direction, claiming relief for issuance of internship certificate is not sustainable and hence prays for dismissal of



this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

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6. A perusal of the reply reveals that the petitioner has undergone internship for only 69 ½ days, and as per the regulations of the petitioner's University, the petitioner has to complete one year internship within 24 months from the date of joining, however, the petitioner has completed only 11 months. It seems that the petitioner has joined duty only on 23.04.2013 and reported to duty only for the next 69 ½ days, after which he has not reported to duty without any proper intimation and nearly after six years, he made representation dated 04.09.2019 for issuance of internship certificate. Moreover the six years delay was also not properly explained and therefore, this Court is of the considered view that in the absence of proper explanation for the delay, no relief can be granted and further the 3rd respondent University has already sent reply on 19.09.2019. The petitioner without challenging the said reply reply, has filed the present petition, which is not maintainable and thereby, the relief sought for by the petitioner cannot be granted.

7. In view of the above, the Writ Petition is dismissed, however this order will not stand on the way of the petitioner to approach the 1st respondent University for condoning the period of absence. If any application for condoning the period of absence, is filed by the petitioner, the 1st respondent University shall consider the same and pass appropriate orders in accordance with guidelines / regulations.

8. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

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+lcc to Mr.J.Saravanel, Advocate SR.No.65875

W.P. No. 29279 of 2019

UM(CO)
GMY(04/02/2022)