



WEB COPY



W.P.Nos.15401 to 15414 of 2010 &
M.P.Nos.1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1 & 1 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.15401 to 15414 of 2010 &
M.P.Nos.1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1 & 1 of 2010

W.P.No.15401 of 2010:

G.Andal R.A.M.P., P.M.P.

... Petitioner

Vs

1.Union of India

Rep. by its Secretary to Government of India,
Ministry of Health and Family Welfare Department,
New Delhi.

2.The State of Tamil Nadu,

Rep. by its Commissioner and Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

3.The Director General of Police,

State of Tamil Nadu, Mylapore, Chennai.

4.Medical Council of India,

Rep. by its Secretary,
Pocket-14, Sector-8,
Dwaraka Phase – 1,
New Delhi – 110 077.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents, their men or agents from taking penal action against this petitioner under the provisions of Medical Council Act, 1956 and Drugs and Cosmetics Act, 1940 and direct the 2nd respondent to regularize the service of the petitioner as a Private Medical Practitioner.

(In all W.P.'s)

For Petitioner : No appearance

For Respondents : Mr.D.Vijaya Kumar – R1 to R3

Mr.K.Mondela Anand
for Ms.Subaranjani Anant - R4

ORDER

There is no appearance for the petitioners. This is a batch of fourteen writ petitions that have been filed by individuals, who seek a mandamus forbearing the respondents from taking penal action against the members of the Private Medical Practitioners Association of India under the provisions of the Medical Council of India Act, 1956 and the Drugs and Cosmetics Act, 1940. They also seek a direction to R2/the Commissioner of Health and Family Welfare Department, to regularize the services of the petitioners as private medical practitioners.



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2. Counter has been filed only by the Secretary to Government, Ministry of Health and Family Welfare Department/R1 and none of the other parties, that is, R2/Health and Family Welfare Department, R3/Director General of Police or R4/the Medical Council of India have responded to the writ petition.

3. The admitted position in this case, is that the petitioners have not undergone any recognized course conducted by approved institutions for awarding of degrees to practice medicine. The Medical Council Act, 1956 places a bar upon the practice of any branch of medicine in any State **save** by medical practitioners enrolled in the State Medical register.

4. Section 25 of the Indian Medical Council Act, 1956 (in short 'Act') provides for registration by a candidate for the purposes of training in an approved institution and Section 15(1) provides for permanent registration. A individual is also required, in terms of Section 26, to register in the Indian Medical Register, which the Indian Medical Council is enjoined to maintain under Section 21, for recognized registration of medical practitioners.

5. 'Recognized medical qualification' is defined under Section 2(h) to mean any of the medical qualifications as set out in the Schedules. Admittedly, the petitioners do not possess any of the qualification set out



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under the Schedules to the Act. The only reliance placed by the petitioners is on certain Circulars that had been issued by the Government of India. These Circulars are of 1960 vintage and have been issued at a period prior to proper codification of regulation and guidelines relating to the medical profession.

6. Much water has flown under the bridge and in the case of *D.K. Joshi Vs.State of U.P.* CA.No.2016 of 1996, since the Hon'ble Supreme Court, vide judgment dated 25.04.2000, has categorically confirmed the position that unregistered medical practitioners must not be permitted to practice the medical profession and legal proceedings must be initiated to curb the practice.

7. The prayer sought for by the petitioners is not just unacceptable for the above reasons but also cannot be countenanced in the interests of public health and safety. These writ petitions are thus dismissed. No costs. Connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order/Non speaking Order



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DR.ANITA SUMANTH,J.

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