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W.P.Nos.7477 and 7478 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.Nos.7477 and 7478 of 2018

and

W.M.P.Nos.9326, 9327, 9329 & 9330 of 2018

M/s.Bharat Education & Research Foundation
Rep. by its Managing Trustee & Chief Consultant
(A unit of Bharat Scans Private Ltd.,)
197 Peters Road, Royapettah, Chennai – 600 014.

... Petitioner

VS.

1.The Union of India,
Rep. by Secretary to Government
Ministry of Health and Family Welfare
B Block, GPO Complex,
New Delhi – 110 023.

2.The Executive Director,
National Board of Examinations,
Ansari Nagar, Ring Road,
New Delhi – 110 029.

3.The Deputy Director (Medical)
Accreditation Department
National Board of Examinations
Ansari Nagar, Ring Road,
New Delhi – 110 029.

... Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings bearing Ref.No.NBE/ACCR./NON-GRANT/4111324161/74-R/2016/9516 and Ref.No.NBE/ACCR./NON-GRANT/4111340161/49-R/2016/9493 dated 15.03.2018 of the 3rd respondent herein, and quash the same and consequently, direct the 2nd respondent Board to grant renewal of accreditation status to the petitioner Institution for conducting Nuclear Medicine Training for the year 2018-19 also.

For Petitioner : Mrs.A.L.Ganthimathi

For Respondents : Mr.D.Ramesh Kumar, CGSC for R1

R2 and R3 – No appearance

ORDER

The petitioner is aggrieved by the cancellation of the accreditation given to it by the National Board of Examinations for two DNB courses in different specialities.

2. The National Board of Examinations have pointed out several defects and shortcomings in the Institute which, according to the Board, would have a direct impact on the quality of the education offered to the



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students by the Institute. Unlike other PG Courses DNB (Diplomat of National Board) is a super speciality course, which is being offered in Hospitals and Research Centres like the petitioner Institution, where the candidates have a direct on-field exposure. If the Institutions or Centres which are recognized by the National Board of Examinations are not up to the standards, definitely the quality of the students who acquire the PG degree viz., DNB would suffer. From the orders impugned in the writ petitions it could be seen that the Board has pointed out several shortcomings including absence of qualified teachers in the petitioner Institution.

3. Though Mrs.A.L.Ganthimathi, learned counsel appearing for the petitioner would vehemently contend that the orders impugned in the writ petitions were passed behind the back of the petitioner without opportunity being given and without the materials collected by the Board being shared with the petitioner.



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4. This is not a case of Employer - Employee relationship, where Service jurisprudence can be applied. This is a case of accreditation of these Institutions which are speciality Institutions to offer PG Diploma to students who are selected by the National Board of Examinations and placed with these Institutions. This type of relationship is more based on *bona fides* and trust. If it is found that the above two are lacking, then the continuance of relationship would only end in a disaster.

5. In this case there is a distinct possibility of the quality of the students being watered down. If the quality of the students, that too, medical professionals is watered down, it will have a direct impact on the society. The Board has, after examining the matter in detail, concluded that there are several shortcomings and the minimum staffing requirement is itself not being met. I am therefore unable to fault the Board for having withdrawn the accreditation and the students having repatriated to other Institutes.

6. I am therefore unable to find any merits in the contention of the petitioner in order to interfere with the orders of the Board de-accrediting the petitioner and refusing the renewal of accreditation.



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7. Hence, the writ petitions fail and they are accordingly dismissed.

No costs. It is made clear that if the petitioner renews the application and demonstrates that it has cured the shortcomings, the Board will consider renewal application without being influenced by earlier dis-qualification or observations made in this order. Consequently, the connected writ miscellaneous petitions are closed.

08.07.2022

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Index: No

Internet: Yes

Speaking order

To

1.The Secretary to Government,
Union of India,
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2.The Executive Director,
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R.SUBRAMANIAN, J.

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