

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3552 OF 2023

Sejal Sanjay Swami

... Petitioner

versus

National Medical Commission
Undergraduate Medical Education
Board and Another

... Respondents

.....

Mr.Rahul Walvekar with Mr.Kush M. Lahankar for the Petitioner.
Mr.Ganesh K. Gole with Mr.Ritesh Ratnam and Mr.Viraj Shelatkar
for Respondent No.1.
Mr.Rahul Nerlekar for Respondent No.2.

.....

CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.

DATE : 7 NOVEMBER 2023

P.C.:

Heard the learned Counsel for the parties.

2. By this Petition, the Petitioner has sought the following relief :

“b. That this Hon’ble Court after going through the record and proceedings by issuing writ of certiorari or any other appropriate writ, order or direction, be pleased quash and set aside the impugned ‘Public Notice’ No. NMC/20659[Legal]/2022/UGMEB dated 28/07/2022 issued by Respondent No. 1 and Circular No. MMC/FMG/EXT INTERNSHIP/2022 02872 dated 1/09/2022 issued by Respondent

no.2, whereby it was directed to Foreign Medical Graduate students to complete Compulsory Rotating Medical Internship [CRMI] for a period of 2 years for permanent registration”.

3. The Petitioner appeared for screening test conducted by National Board of Examinations in Medical Sciences in June 2022. Thereafter, the Petitioner sought provisional registration in State of Maharashtra to pursue compulsory rotating medical internship. The Petitioner was granted the provisional registration certificate on 28 December 2022. The Petitioner's case is that she has already completed graduate course with clinical training physically and, therefore, the provisional registration certificate compelling to complete two years internship is arbitrary and unfair.

4. The learned Counsel for Respondent No.2- Maharashtra Medical Council has taken a stand that this condition was incorporated pursuant to the conditions stipulated by the National Medical Commission. The National Medical Commission has filed an affidavit through its Under Secretary dated 31 October 2023. The learned Counsel for the Petitioner has drawn our attention to paragraph 17 of this affidavit which reads thus :

“17. It is submitted that in case the petitioner fails to establish through documents that she has undergone her entire Graduate / Primary Medical Course along with Clinical Internship in the same Foreign Medical Institute through offline mode / method only, she will have to undergo a compulsory rotating medical internship for a

period of 2 years in terms of Public Notice dated 28.07.2022 issued by the answering respondent. However, in case the petitioner is able to establish the same, the Petitioner shall have to undergo compulsory rotating medical internship for a period of 1 year in terms of National Medical Commission (Compulsory Rotating Medical Internship) Regulations, 2021 in case she has cleared her Foreign Medical Graduate Examination after 18.11.2021”.

The learned Counsel for the Petitioner states that the Petitioner is ready for this enquiry to be conducted by the National Medical Commission and will submit the necessary documents so that the National Medical Commission can examine the issue. The learned Counsel further states that the Petition of the Petitioner can be considered as a representation of the Petitioner with permission to file additional documents.

5. The learned Counsel for Respondent No.1-National Medical Commission states that in case the Petitioner is able to establish the position as stated in paragraph 17 of the affidavit, the requisite steps can be taken.

6. In light of the submissions made before us, we dispose of the Writ Petition directing that the National Medical Commission would consider the Petitioner's Writ Petition as a representation for the enquiry indicated in paragraph 17. If the Petitioner wants to file any additional documents, the same shall be done within a period of two weeks from today. Thereupon, Respondent No.1- National Medical

Commission would take necessary decision on its own merits preferably within a period of four weeks if all the necessary documents are placed before it.

7. The Writ Petition is disposed of in above terms.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)