



WEB COPY

W.P.No.27610 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 21.04.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.27610 of 2011**

**and**

**M.P.Nos.1 of 2011 & 2 of 2012**

The Doctors Welfare Association of Tamil Nadu  
Registered Society No.284 of 2001  
No.15, New Street, West Mambalam  
Chennai – 600 033.  
Rep. by its General Secretary

... Petitioner

Vs.

- 1.The Union of India  
Rep. by its Secretary  
Department of Health & Family Welfare  
Nirman Bhavan, Maulana Azad Road  
New Delhi – 110 011.
- 2.The Medical Council of India  
Rep. by its Board of Governors  
Pocket 14, Sector 8, Dwaraka Phase-I  
New Delhi – 110 077.
- 3.The State of Tamil Nadu  
Rep. by its Secretary  
Department of Health & Family Welfare  
Fort St. George, Chennai – 600 009.
- 4.The Director of Medical Education  
Kilpauk, Chennai – 600 010.



W.P.No.27610 of

5.The Annamalai University  
Rep. by its Registrar  
Annamalai Nagar, Chidambaram  
Cuddalore District – 608 002.

6.The Director,  
Directorate of Distance Education  
Annamalai University  
Annamalai Nagar, Chidambaram  
Cuddalore District – 608 002.

7.Dr.N.Pari

8.Dr.A.S.Rajendran

9.Dr.T.Vinoth Joy Joseph

10.Dr.Srinivasulu Kanna

11.Dr.N.Kannan

12.Dr.S.Jaishankar

13.Dr.R.P.Rajesh

14.Dr.V.Thirupathi Raja

15.Dr.Asiya Shahima

16.Dr.D.Jeba Anita

17.Dr.V.Suresh

18.Dr.E.Gangadaran

19.Dr.R.Vinod



20.Dr.Rajakumar Selvanathan

21.Dr.G.Arvind

22.Dr.Usha Ragunathan

23.Dr.J.Rajendran

24.Dr.P.Subhashini

25.Dr.N.Usha Rajesh

26.The Registrar,  
Tamil Nadu Dr. M.G.R. Medical University  
No.69, Anna Salai, Guindy,  
Chennai – 32.

... Respondents

[R7 to R25 impleaded as per order dated 08.10.2012  
MP.No.1/2012 in WP.No.27610/2011]

[R26 suo-motu impleaded as per order dated  
09.10.2017 in W.P.No.27610 of 2011]

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring the courses offered by the 5<sup>th</sup> respondent Annamalai University in Medical & Health Science as announced by it vide Admission Notifications dated 13.11.2011 in the English Daily “Deccan Chronicle” and the Tamil Daily “Thina Thanthi” for the academic year 2011-12 as illegal and ultra vires the Indian Medical Council Act, 1956, and further direct the respondents to stop forthwith the running of the said courses and offering of the said medical qualifications.



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W.P.No.27610 of



|                |                                                                   |
|----------------|-------------------------------------------------------------------|
| For Petitioner | : Mr.T.Sundaravadanam                                             |
| For R1         | : Mr.M.Arvind Kumar<br>Senior Central Government Panel<br>Counsel |
| For R2         | : Ms.Shubharanjani Ananth<br>[For NMCI]                           |
| For R3 & R4    | : Mr.P.Sanjay Gandhi<br>Government Advocate                       |
| For R5 & R6    | : Mr.S.Siva Subramani                                             |
| For R7 to R25  | : Mrs.M.Srividhya                                                 |
| For R26        | : No Appearance                                                   |

## **ORDER**

The writ of declaration has been filed to declare the courses offered by the 5<sup>th</sup> respondent Annamalai University in Medical & Health Science as announced by it vide Admission Notifications dated 13.11.2011 in the English Daily “Deccan Chronicle” and the Tamil Daily “Thina Thanthi” for the academic year 2011-12 as illegal and ultra vires the Indian Medical Council Act, 1956, and further direct the respondents to stop forthwith the running of the said courses and offering of the said medical qualifications.



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2. The admission notification of the year 2011 has been challenged.

Though the notification lost its relevance on account of efflux of time, the learned counsel for the petitioner brought to the notice of this Court that certain unrecognised degree, diploma courses are utilised by the practitioners in an illegal manner .

3. The degrees recognised by the National Medical Commission of India alone are to be considered as valid degree or diploma or otherwise for the purpose of medical practises. If at all any person acquire any degree or diploma that are not recognised by the National Medical Commission of India, the said degree or diploma cannot be utilised for the purpose of practising medicine and in the event of identifying any such degree or diploma, which is not recognised and being used by any medical practitioners, then all appropriate actions are to be initiated by the competent authorities.

4. The degree or diploma in specialities acquired in a recognised institution with reference to the recognised degrees alone are to be construed



W.P.No.27610 of

as valid and thus, the respondents are expected to be vigil over such fraudulent or invalid degrees granted by any university or institution which all are in violation of the Statues and Rules in force.

5. As far as the present writ petition is concerned the Annamalai University has been taken over by the Government of Tamil Nadu and therefore, the Government of Tamil Nadu has to ensure that the recognised degrees and diplomas are offered to the students.

6. With these clarifications, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

**21.04.2023**

Jeni  
Index : Yes  
Speaking order  
Neutral Citation : Yes



W.P.No.27610 of

To

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The Union of India  
Department of Health & Family Welfare  
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**S.M.SUBRAMANIAM, J.**

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