



WEB COPY



W.P.No.9424 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.9424 of 2023

Susmitha

...Petitioner

Vs.

1. National Medical Commission,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi - 110 077.
2. The Registrar,
Tamilnadu Medical Council,
#914 Poonamallee High Road,
Arumpakkam, Chennai - 106.
3. The Registrar,
Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai-32.
4. The Academic Officer,
Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai-32.
5. The Principal,
Melmaruvathur Adhiparasakthi Institute of Medical Sciences,
Melmaruvathur, Chengalpattu District.

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in relation with impugned order dated 18.01.2023 passed by the 4th respondent and quash the same, consequently direct the respondents 1 to 3 to permit the petitioner for internship transfer from the 5th respondent College to any other Medical College Hospital in and around Trichirappalli District immediately.

For Petitioner : Mr.N.Vijayaraj

For Respondents : Ms.Shubharanjani Ananth, SC, for R1.

ORDER

The petitioner has come up with this Writ petition seeking quashment of the order of the 4th respondent dated 18.01.2023 and to consequently direct the respondents 1 to 3 to permit the petitioner for internship transfer from the 5th respondent College to any other Medical College Hospital in and around Trichirappalli District.

2. Ms.Shubharanjani Ananth, learned Standing counsel takes notice for the first respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.



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3. Since no adverse order is being passed against the 5th respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that she completed her MBBS course in the 5th respondent college during April 2022 and pursuant to the same, the petitioner is doing her internship with the very same 5th respondent college from 15.06.2022. While so, due to the poor health of her mother, as she is suffering from Metastatic stage cancer, the petitioner decided to continue her internship in any of the Hospital at her native place namely Thiruchirappalli. Thereby, the petitioner made a representation dated 17.10.2022 before the 5th respondent, seeking Transfer certificate and also made several other representations. Upon receipt of the several request letters from the petitioner, the 5th respondent sent a letter dated 07.12.2022 to the 3rd respondent for transfer of petitioner's internship. However, the 4th respondent, vide order dated 18.01.2023, rejected the petitioner's request for transfer of internship. Challenging the same, the present Writ petition.

5. Learned counsel for the petitioner submitted that the petitioner



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got admission in the 5th respondent Medical college for MBBS Course in the year 2017-2018 and completed her four and a half year study of MBBS in April 2022 and as per the rules, she is doing her internship in the 5th respondent college from 15.06.2022, which is a compulsory one. While so, the petitioner sought for transfer of her internship to any other Medical College Hospital in Trichirappalli, since the petitioner's mother is suffering from Metastatic stage Cancer and the petitioner is the only person to take care of her mother. However, the petitioner's request was rejected by the 3rd respondent, vide order dated 18.01.2023, without ascertaining any of the above said facts and without taking into account the poor health of the petitioner's mother. Hence, he prayed for appropriate orders.

6. On the above said contentions, heard learned Standing counsel appearing for the first respondent and perused the materials available on record.

7. Admittedly, the petitioner completed her MBBS course in the 5th respondent college and continued to do her internship in the very same college from 15.06.2022. Further, it is pertinent to note that, the present



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impugned order dated 18.01.2023 came to be passed by the 4th respondent, pursuant to the representation made by the petitioner seeking transfer of her mandatory internship to Trichirappalli District.

8. A perusal of the material documents placed on record reveals that, the petitioner's request for transfer of internship was rejected by the 4th respondent citing the NMC regulations, which prescribe that, All Indian Medical Graduates, have to complete their entire period of compulsory rotating internship training in the Institution where they have pursued and completed their MBBS degree course. Such being the case, the rejection being based on NMC Regulations, this Court does not find any fault with the order impugned in this Writ petition and the same has been passed in accordance with law and the same cannot be interfered with.

9. For the reasons aforesaid, this Writ Petition stands dismissed. No costs.

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(1/2)

skt

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

1. National Medical Commission,
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W.M.P.No.9498 of 2023

in

W.P.No.9424 of 2023

M.DHANDAPANI, J.

Dispense with ordered for the
present.

28.03.2023

(2/2)

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