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W.P. No.9806 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.9806 of 2023 and
W.M.P. Nos.9891 & 9892 of 2023

Dr.Asir Rajan David

... Petitioner

Vs.

1.The Registrar

Tamil Nadu Dr.M.G.R. Medical University
69, Anna Salai, Guindy
Chennai - 600 032

2.The Registrar

Tamil Nadu Homoeopathic Medical Council
Chennai - 600 106

3.The Secretary

Selection Committee
Directorate of Indian Medicine and Homoeopathy Department
Chennai - 600 106

4.The Principal

White Memorial Homoeopathy Medical College
Kanyakumari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of certiorari calling for the records relating to proceeding No.7460/SC/2023 dated 21.02.2023 passed by the 3rd respondent and quash the same.



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W.P. No. 9806 of 2023

For Petitioner : Mr.Sai Srujan Tayi
For Respondents : Mr.G.Ameedius,
Govt. Advocate for R3
Mr.P.Ebenezer Paul for R4
Mr.J.Saravanavel,
Standing Counsel for R2
No Appearance for R1

ORDER

The petitioner herein has done his BHMS and completed his course in December, 2021. It is a 5 ½ years course of which last one year is intended for mandatory intern-ship with a Medical College Hospital. The petitioner joined the course in 2016 in the 4th respondent college and in fitness of things, he should have completed the course by 4 ½ years in mid 2021. However, owing to Covid 19, the exams for the final year got delayed and it was held in September 2021. The results were published on 23.12.2021. In terms of the norms, the petitioner is required to go for a mandatory one year intern-ship with the fourth respondent but, only upon he passes out his final year exam successfully. Accordingly, he commenced his intern-ship with the fourth respondent on 13.01.2022 and completed it on 12.01.2023.



W.P. No.9806 of 2023

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2. In the meantime, applications are invited for the post graduation course and one of the norms required was that the candidate should have completed the intern-ship on or before 31.12.2022. The grievance of the petitioner is that he should have commenced his intern-ship on 28.12.2021, which implies almost immediately after the final year results were published and the delay in commencing his intern-ship programme was well beyond the cut off date and hence he could not apply for the PG Course.

3. Notwithstanding the same, the petitioner has applied for the PG course and the one of the eligibility as indicated above, came to light during counselling. Hence the petitioner was not accommodative for the PG course to commence for the year 2023. This proceedings is under challenge.

4. Heard Mr.Sai Srujan Tayi, learned counsel for the petitioner, Mr.J.Saravanavel, learned standing counsel for the second respondent, Mr.G.Ameedius, learned Government Advocate for R3 and Mr.P.Ebenezer Paul and perused the materials available in the form of typed set of papers.



W.P. No.9806 of 2023

5. Admittedly the petitioner could not have commenced his intern-ship prior to 23.12.2021 and admittedly he had commenced his intern-ship only on 13.01.2022. The hiccup comes to him not at that point of time but only when his application for PG course was rejected for non-compliance of the norms that he had not completed his intern-ship before the cut-off date. It has also come to light that the fourth respondent has since surrendered the seats to the third respondent and the seats are not filled in time. Principally this court cannot aid the petitioner herein, as it cannot put the clock backwards. He can now apply for the PG course for the next academic year, if he is so desirous.

6. Accordingly, the writ petition is dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

04.07.2023

Asr
Index : Yes/No
Speaking/Non-speaking Order

To

1.The Registrar
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69, Anna Salai, Guindy
Chennai - 600 032



W.P. No. 9806 of 2023

2. The Registrar

Tamil Nadu Homoeopathic Medical Council
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3. The Secretary

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Directorate of Indian Medicine and Homoeopathy Department
Chennai - 600 106

4. The Government Pleader,
High Court, Madras



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W.P. No.9806 of 2023

N.SESHASAYEE, J.,

Asr

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