



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.17979 of 2023
and WMP.No.17136 of 2023

K.S.MUHSINA

... petitioner

-Vs-

1. Union of India

REP. BY ITS SECRETARY TO HEALTH AND FAMILY
WELFARE,
CABINET SECRETARIAT, RASINA HILL,
NEW DELHI - 110 011.

2. THE SECRETARY TO HEALTH AND FAMILY WELFARE,
CABINET SECRETARIAT,
RASINA HILL, NEW DELHI - 110 011.

3. NATIONAL MEDICAL COMMISSION,
REP BY ITS SECRETARY,
POCKET-14, SECTOR -8,
DWARKA PHASE-I, NEW DELHI - 110 077.

4. THE TAMIL NADU MEDICAL COUNCIL,
REP BY ITS SECRETARY,
914, POONAMALLEE HIGH ROAD,
AMARAVATHI NAGAR, ARUMBAKKAM,
CHENNAI - 600106.

5. PONDICHERY UNIVERSITY
REP BY ITS REGISTRAR(UNIVERSITE DE PONDICHERY)
BHARAT RATNA DR. B.R.AMBEDKAR ADMINISTRATIVE BUILDING,



R VENKAT RAMAN NAGAR, KALAPET, PUDUCHERRY – 6.

6. THE DIRECTOR,
DIRECTORATE OF HEALTH AND FAMILY WELFARE SERVICE,
VITOR SIMONEL STREET,
PUDUCHERRY - 605001.

7. UNIVERISTY GRANTS COMMISSION
(UGC) REP BY ITS SECRETARY,
BAHADUR SHAH, ZAFAR MARG, NEW DELHI - 110002.

8. THE MANAGER
SRI VENKATESWARA MEDICAL COLLEGE HOSPITAL
AND RESEARCH CENTRE,
NO. 13-A, PONDY- VILLUPURAM MAIN ROAD,
ARIYUR, PUDUCHERRY - 605102.

9. SRI VENKATESWARA MEDICAL COLLEGE HOSPITAL AND
RESEARCH CENTRE
REPRESENTED BY ITS PRINCIPAL,
NO. 3-A PONDY- VILLUPURAM MAIN ROAD,
ARIYUR, PUDUCHERRY - 605102.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the respondents 1 to 7 to require the respondents 8 and 9 herein to desist from resorting to the harassment of the petitioner herein and consequently approve the needs of the petitioner and award her substantial monetary compensation and further direct the respondents 2 to 5 and 7 to conduct a through enquiry with regard to the functioning of respondents 8 and 9 herein.

For petitioner : Mr. P.V.Ravi Chandran



For Respondent : Mr.Abishek Jenasenan RR8 and 9
Mr.D.Durai rani RR1 and 2
Mr.M.Ravi, Standing Counsel, RR5 & 6
Mrs.Shubaranjani Ananth, MCI R3

ORDER

The writ petition has been filed seeking a direction to the respondents 1 to 7 to require the respondents 8 and 9 herein to desist from resorting to the harassment of the petitioner herein and consequently, approve the needs of the petitioner and award her substantial monetary compensation and further direct the respondents 2 to 5 and 7 to conduct a through enquiry with regard to the functioning of respondents 8 and 9 herein.

2. It is the case of the petitioner that she joined Sri Venkateswara Medical College Hospital & Research Centre Medical College of the 8th and 9th respondents to pursue the MBBS Course for the academic year 2016-2017 with PU Reg.No.16770471. The certificate dated 09.12.2016 issued by the 9th respondent, states that the Sri Venkateswara Medical College Hospital & Research Centre is recognised by the Medical Council of India vide Recognition No.MCI-34(41) /2012-Med/107136, dated 19.05.2012. The petitioner has since completed and passed her MBBS degree examination and a certificate was also issued by the 5th respondent dated 23.07.2021 to the effect. The petitioner's



original certificates are with the respondents 8 and 9 herein. Now, the original certificates are being withheld by the respondents 8 and 9 herein. The respondents 8 and 9 herein have unilaterally demanded a sum of Rs.5,61,602/- and Rs.91,131/- Thereby the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that the entire stipend due to the petitioner is with-held by the respondents 8 and 9 herein. The delay in issuing the No-due certificate and other original certificates is unsustainable one. Hence, this Court may issue a direction to the respondents to return the original certificate, course completion certificate and no-due certificate to the petitioner, without insisting any payment, within the reasonable time as fixed by this Court.

4. The learned Standing counsel appearing for the MCI submitted that if there is a dispute arise between the petitioner and the concerned college, they have to approach the Directorate of Medical Education, Pondicherry. Without doing so, the petitioner has approached this Court by way of filing the writ petition which is not maintainable one. Hence, this Court may direct the parties to approach the above said authorities for resolving the issue. If they approaches,



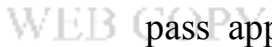
the authorities shall consider the same and pass appropriate orders within the stipulated time as fixed by this Court.

5. The learned counsel appearing on behalf of the respondents 8 and 9 submitted that there is no problem to issue no-due certificate and other certificates to the petitioner. The petitioner has to produce the certificate to show that there is no shortfall of attendance. If such certificate produces, the original certificates will be issued to the petitioner.

6. In reply, the learned counsel for the petitioner submitted that there is no shortfall of attendance for the petitioner. Hence, there is no objection for conducting enquiry.

7. Heard the learned counsel on either side and perused the materials available on record.

8. In such view of the matter, this Court directs the petitioner to make a fresh application before the Directorate of Medical Education, Pondicherry, within a period of two weeks from the date of receipt of a copy of this order.



Upon receipt of such application, the authorities shall consider the same and pass appropriate orders after providing opportunity to the petitioner within a period of four weeks, thereafter.

9. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

rli

To

1. THE SECRETARY TO HEALTH AND FAMILY WELFARE, Union of India
CABINET SECRETARIAT, RASINA HILL,
NEW DELHI - 110 011.
2. THE SECRETARY TO HEALTH AND FAMILY WELFARE,
CABINET SECRETARIAT,
RASINA HILL, NEW DELHI - 110 011.
3. THE SECRETARY,
NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR -8,
DWARKA PHASE-I, NEW DELHI - 110 077.
4. THE SECRETARY,
THE TAMIL NADU MEDICAL COUNCIL,
914, POONAMALLEE HIGH ROAD,
AMARAVATHI NAGAR, ARUMBAKKAM,
CHENNAI - 600106.



5. The REGISTRAR
PONDICHERRY UNIVERSITY
(UNIVERSITE DE PONDICHERRY)
BHARAT RATNA DR. B.R.AMBEDKAR ADMINISTRATIVE BUILDING,
R VENKAT RAMAN NAGAR, KALAPET, PUDUCHERRY – 6.

6. THE DIRECTOR,
DIRECTORATE OF HEALTH AND FAMILY WELFARE SERVICE,
VITOR SIMONEL STREET,
PUDUCHERRY - 605001.

7. UNIVERISTY GRANTS COMMISSION
(UGC) REP BY ITS SECRETARY,
BAHADUR SHAH, ZAFAR MARG, NEW DELHI – 110002.

8. The Directorate of Medical Education,
Pondicherry.



WEB COPY

8



M.DHANDAPANI, J.

ri

W.P.No.17979 of 2023

20.06.2023