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W.P.No.22608 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.22322, 22326, 22329, 22332, 22334 & 22340 of 2019
and WMP.Nos.21358, 21362, 21366, 21369, 21371 & 21375 of 2022**

W.P.No.22322 of 2022:

Varsha R

.. Petitioner

Vs.

1. The National Medical Commission,
Rep. By its Chairman,
Sector – 8, Pocket – 14,
Dwarka, Phase – 1,
New Delhi 110 077.

2. The Tamil Nadu Medical Council,
Rep. By its Registrar,
914, Poonamallee High Road,
Arumbakkam, chennai-600 106.

..Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certirarified Mandamus to call for the records leading to the impugned order dated 06.05.2022 passed by the second respondent and quash the same and consequently, direct the second respondent to enroll the petitioner as registered medical practitioner on the Medical Registrar maintained by the second respondent.



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For Petitioner : Mr.Vijay Narayanan, Senior Counsel
For M/s.C.Jagadish
(For all the petitions)
For Respondents : Mr.G.Sankaran, Sr. Counsel
Mr.S.Nedunchezhiyan,
Standing Counsel R2
Mrs.Subha Ranjani Anand R1
(for all the petitions)

COMMON ORDER

Since the issues involved in all the cases are one and the same and hence, all the writ petitions are disposed of by way of this common order.

2. These petitions have been filed seeking to quash the impugned order dated 06.05.2022 passed by the second respondent and consequently, direct the second respondent to enroll the petitioners as registered medical practitioners on the Medical Register maintained by the second respondent.

3. It is the case of the petitioners that the petitioners have completed their medical course in Tbilisi State Medical University, Georgia in the year 2019, which is equivalent to MBBS Course offered in India. The said course offered by the Tbilisi State Medical University is of 6 years duration. In the 5th year, the internship commences. The internship commenced on



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07.11.2019. For conducting internship, in Tbilisi State Medical University, they have segregated the student by four group and each group consists 15 students. As per the guidelines, the students have to completed the course and 12 months internship period. The internship period will start from different date and month. The students, who stayed back in Tbilisi, were accepted by the second respondent and enrolled their name. As far as the petitioners and other candidates are concerned, the second respondent rejected their application on 06.05.2022 for permanent registration as they have come to India on 29.01.2020 and returned back to Tbilisi on 10.10.2020. Challenging the said order, these writ petition have been filed.

3. The learned counsel for the petitioners submitted that the petitioners claim that their practical training or internship had been spread over part of the 4th, 5th and 6th years. The petitioners have already completed their internship. However, the second respondent has rejected the petitioners request as they have been in India during part of the said internship period. Due to covid – 19, the petitioners could not return back to Georgia. However, as per the guidelines, the petitioners are entitled to complete their internship in India.



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4. The learned counsel for the petitioners submitted that on the earlier occasion, this Court was directed the respondents to identify the medical college and Hospital where the petitioners could be made to undergo internship. In this regard, the respondents have furnished the details regarding number of vacancies available at Government Medical College. Therefore, this Court may direct the respondents to allow the petitioners to undergo the internship programme within the stipulated time as fixed by this Court.

5. The learned Standing Counsel appearing on behalf of the first respondent submitted that the internship commenced on 07.11.2019 and the students were classified into group of 15 students per group for each of which group internship would commence in a different month; is unsustainable and un-supported by appropriate documentary proof. Further, the National medical Council has notified that online mode of internship will not be accepted as valid for permanent registration.



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6. The learned Standing Counsel appearing on behalf of the second respondent submitted that after doing online internship in India from January/March 2020, the petitioners returned to Georgia in October 2020 and degree was awarded on 03.03.2021. the total duration of internship through offline mode is only 230 days as compared to 365 days in the normal set up. Hence, final registration cannot be granted to such candidate, who have not completed internship. While other students, who were similarly situated with that of the petitioners' were underwent their internship. Hence, the petitioners are entitled for grant of permanent registration. The learned counsel further submitted that the medical course is unlike other courses. The internship is compulsory to be undergone by every student. The student have to see the patients personally, diagnose and give treatment.

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



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8. The issue raised by the petitioners herein is regarding recognition of the course for medicine which they had studied at Georgia. The course commenced in the year 2015 and completed in the year 2021. There is a dispute with regard to the completion of internship programme by the petitioners and therefore, the second respondent has rejected to enroll their names.

9. In order to give quietus to the issue, this Court, on the earlier occasion, directed the respondents to identify the Medical College and Hospital where the petitioners could be made to undergo internship so that the petitioners could complete their internship course in India. The respondents have also furnished the details in this regard and they have not raised any objection.

10. In such view of the matter, this Court, without going into the merits of the case, directs the second respondent to admit the petitioners in the colleges as identified by them and permit the petitioners to join the college from the list which should be convenient to them so as to enable them to complete their internship programme for a period of twelve months.



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After completion of the internship of the petitioners, the second respondent shall enroll the petitioners as registered medical practitioner in the medical register.

11. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

13.04.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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