



WEB COPY



W.P.No.32640 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.32640 of 2017

and

W.M.P.No.35971 of 2017

Dr. P. Thirugnanam

...Petitioner

-Vs-

1. The Secretary,
Medical Council of India,
Pocket No.14, Sector 8,
Dwaraka Phase I,
New Delhi 110 077.

2. The Registrar,
Tamil Nadu Medical Council,
Arumbakkam, Chennai.

3. The Registrar,
Vinayaka Mission University,
Salem Post & District.

4. The Dean,
Kirupanandha Variyar Medical College & Hospital,
Vinayaka Mission University,
Salem Post & District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to register additional degree for MD-Emergency Medicine in



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Kirupanandha Variyar Medical College & Hospital, under the University of Vinayaka Mission Salem based on the application registration No.73661 dated 11.12.2017 with receipt of the registration fee of Rs.2,500/-.

For Petitioner : Mr.D.Veerasekaran

For Respondents :

(for R1) : Ms.Shubaranjani Ananth,
Standing Counsel

(for R2) : Mr.S.Nedunchezhiyan

(for R3 & R4) : Mr.N.Surya Narayanan forbearing
Mr.Rahul Balaji

ORDER

The relief sought in the present writ petition is to direct the second respondent to register additional degree for MD-Emergency Medicine in Kirupanandha Variyar Medical College & Hospital, under the University of Vinayaka Mission, Salem, based on the application registration No.73661, dated 11.12.2017, with receipt of the registration fee of Rs.2,500/-.

2.The learned counsel for the petitioner made a submission that the petitioner underwent the MD course in Emergency Medicine, in Kirupanandha Variyar Medical College and Hospital, under the



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University of Vinayaka Mission, Salem, and completed the course. While so, his Post-Graduation Decree was not registered on the ground that it was not recognised by the National Medical Commission during the relevant point of time. The petitioner is not at fault and he completed the course by following the procedures and paying the necessary fees to the University and the College. That being the factum, the petitioner need not be denied the Post -Graduation Decree in MD-Emergency Medicine.

3.The learned counsel appearing for the National Medical Commission brought to the notice of this Court that the MD Course in Emergency Medicine in Kirupanandha Variyar Medical College, under the University of Vinayaka Mission, Salem, was not recognised during the relevant academic year when the petitioner underwent the MD course. In this regard, the learned counsel for the respondent brought to the notice of this Court that regarding the proceedings of Board of Governors, In Supersession of Medical Council of India, dated 02.05.2019, wherein the letter sent by the Government of India, Ministry of Health and Family Welfare, Nirman Bhavan, New Delhi, with regard to Retrospective approval and Recognition of MD (Emergency Medicine) Course at Rajah Muthiah Medical College Annamalinagar as



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well as (Accident and emergency Medicine) at Sri Ramachandra Medical College, Chennai and Vinayaka Mission University, Salem were considered. The decision of the Board of Governors is as under:

“Decision:

The Board of Governors noted that the Central Government vide its letter dated 10.01.19 has sought for reconsideration of the issue of retrospective approval and recognition of MD (Emergency Medicine) course of RajajMuthiah Medical College, Annamalai Nagar in view of the hardships faced by 41 students who have passed out from this College, and as the College is now under the control of Government of Tamil Nadu. On perusal of records, it is evident that the course was started without the prior permission of Central Government under section. 10A of the Indian Medical Council Act, 1956 and was conducted during the period 2009-10 to 2012-13. The consequence of non-obtaining of prior permission of Central Government as contemplated under section 10A of the Act is provided for in section 10B of the Act which reads as under-....

Accordingly, in view of the statutory provisions referred above, the Board of Governors after re-consideration decided that retrospective approval and recognition to the MD (Emergency Medicine) of Rajah Muthiah Medical



College, Annamalainagar to mitigate the hardships faced by 41 students who have passed this course is not permissible.”

4.The learned counsel for the respondents states that in view of the decision already taken by the National Medical Commission, the Post-Graduation Degree, awarded by the University of Vinayaka Mission to the petitioner, cannot be validated retrospectively as the course was not recognised during the relevant point of time.

5.The learned counsel for the petitioner states that the right of appeal to the petitioner need not be denied since the act contemplates an appeal. There is no impediment for the petitioner to prefer an appeal to the authorities under the provisions of the act which is a right already conferred to the petitioner.

6.At this juncture, the learned counsel for the petitioner states that he would withdraw the writ petition and file an appeal to the competent authorities and thus, seeks permission of this Court to withdraw this writ petition and he has also made an endorsement to that effect.



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7. In view of the submission made by the learned counsel for the petitioner and the endorsement made by him, the writ petition stands dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is closed.

13.03.2023

Index: Yes
Speaking order
Neutral Citation: Yes
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To

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S.M.SUBRAMANIAM, J.

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