



W.P.No.7792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

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

W.P.No.7792 of 2023

M.Rajendran,
Mid-Level Medical Practitioner-Trust,
Rep. by its General Secretary,
Having its registered office at
D.No.9-1-13a, Golden Street,
Old Railway Line Road, Dharmapuri

...Petitioner

Vs.

1. The Secretary,
National Medical Commission,
Pocket-4, Sector-8, Dwaraka Phase-1,
New Delhi-110 077.
2. The Secretary,
Ministry of Health and Family Welfare,
Government of India, New Delhi.
3. The Secretary,
Ministry of Health and Family Welfare,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
4. The Director of Medical and Rural Health Service,
Directorate of Medical Service,
Chennai-6.
5. The Director General of Police.



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Kamarajar Salai,
Mylapore-600 005.

...Respondents

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3, 4 & 5 to consider the representation of the petitioner dated 27.10.2022 to recognize the mid-level medical providers having completed Diploma in CMS and ED as registered medical practitioner as per the Rule 2(ee)(iii) of the Drugs and Cosmetics Rules, 1945 and to further issue license to practice medicine under Section 32 of the National Medical Commission Act, 2019 as mid-level community health providers.

For Petitioner : Mr.P.D.Nawin Dmonte

For Respondents : Ms.Subaranjani Anand, SC, for R1.
: Mr.A.R.L.Sundaresan, ASG,
Assisted by Mr.P.G.Santhosh Kumar, for R2.
: Mr.E.Veda Bagath Singh, SPL.GP, for R3-5.

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents 3-5 to consider the petitioner's representation dated 27.10.2022 to recognize the mid-level medical providers having completed Diploma in CMS and ED as registered medical practitioner as per the Rule 2(ee)(iii) of the Drugs and Cosmetics Rules, 1945 and to further issue license to practice medicine under Section 32 of the National Medical Commission Act, 2019 as mid-level community health providers.



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2. Ms.Subaranjani Anand, learned Standing Counsel takes notice for the 1st Respondent, Mr.P.G.Santhosh Kumar, learned Senior Panel Counsel takes notice for the 2nd respondent and Mr.E.Veda Bagath Singh, learned Special Government Pleader, takes notice for the 3rd respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner has completed Diploma in CMS and ED (Community Medical Service and Essential Medicine) in the year 2021 and have successfully cleared the examination conducted by the NCMPS Paramedical Council (India). The petitioner trust and its members have been engaged in expanding primary health care centres in rural areas and serving the poor and needy people, as the rural area do not possess adequate number of doctors or hospitals to treat the people. The petitioner trust and its members possess adequate qualification and experience to prescribe allopathic medicines, despite which, the members of the petitioner trust have been constantly harassed by the police



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officials on the ground that they are not doctors and cannot prescribe medicines. Aggrieved by the action of the police officilas, the petitioner trust made a representation dated 27.10.2022 before the respondents, seeking to recognize the mid-level medical providers having completed Diploma in CMS and ED as registered medical practitioners as per the Rule 2(ee)(iii) of the Drugs and Cosmetics Rules, 1945 and to further issue license to practice medicine under Section 32 of the National Medical Commission Act, 2019 as mid-level community health providers. However, till date, no orders have been passed on the said representation. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 27.10.2022 and issue license to practice medicine as mid-level community health providers, as expeditiously as possible.

5. Learned Additional Solicitor General appearing for the 2nd respondent submitted that, though the petitioner claim that they have obtained certificate in CMS and ED (Community Medical Service and



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Essential Medicine) and wants the same to be registered as Medical Practitioner, however, the above said certificate said to have been obtained by the petitioner itself is doubtful and needs further verification. However, he fairly submitted that, appropriate orders will be passed on the petitioner's representation dated 27.10.2022 within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the petitioner to send a copy of the above said representation dated 27.10.2022 to the respondents within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of the said representation, the 2nd respondent shall consider the same on merits and in accordance with law and pass appropriate orders, within a period of four weeks thereafter, after affording an opportunity of personal hearing to the petitioner.

7. This Writ petition is accordingly disposed of. No costs.

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Speaking Order : Yes/ No
Index : Yes/ No

To

1. The Secretary,
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New Delhi-110 077.
2. The Secretary,
Ministry of Health and Family Welfare,
Government of India, New Delhi.
3. The Secretary,
Ministry of Health and Family Welfare,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
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