



W.P.(MD)No.3286 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.3286 of 2020

1.Valliammal Achi Hospital
(A Unit of AMM Foundation),
represented by its Chief Executive,
Kanyakumari District.

2.Dr.Nataliya Abbot

... Petitioners

vs.

1.Board of Governors and Supersessions of
Medical Counsel of India,
Pocket -14 Section -8, Dwaraka, Phase -I,
New Delhi - 110 077.

2.The Secretary to Government of India,
Ministry of Health and Family Welfare
(Department of Health),
Nirman Bhavan, New Delhi - 110 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in culminating in their order No.MCI-202(FT19-100961)/Regn./164838 dated 14.11.2019 quash the same and direct the respondents to permit the 2nd petitioner to practice medicine in India temporarily, restricting the same to the 1st petitioner



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hospital.

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For Petitioners	:Mr.Shushaanth Sivakumar for M/s.T.S.Gopalan and Co.
For R1	:Ms.Subha Ranjani
For R2	:Mr.K.Govindarajan Deputy Solicitor General of India *****

ORDER

This Writ Petition has been filed challenging the proceedings of the first respondent dated 14.11.2019 and for a consequential direction to the respondents to permit the second petitioner to practice medicine in India temporarily in the first petitioner hospital.

2.Heard Mr.Shushaanth Sivakumar, learned Counsel appearing on behalf of the petitioner, Ms.Subha Ranjani, learned Counsel appearing on behalf of the first respondent and Mr.K.Govinda Rajan, learned Deputy Solicitor General appearing on behalf of the second respondent.

3.The grievance of the petitioners is that the second petitioner had completed her medicine at Ukraine. The second petitioner wanted a temporary permission to practice medicine in India in the first petitioner



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hospital and an application was made in this regard. The second petitioner had sought for permission to temporarily practice medicine for the period between 2019 and 2020. The request made by the petitioner was rejected by the first respondent through the impugned proceedings dated 14.11.2019 and the same has been put to challenge in this Writ Petition.

4.In the considered view of this Court, the relief sought for in this case has become infructuous, since the period for which, the second petitioner had sought permission to practice medicine is already over. It is brought to the notice of this Court that the second petitioner has made a fresh representation before the National Medical Commission for temporary permission to practice medicine for the period between 2024 and 2025. If any such application is made by the second petitioner before the National Medical Commission, the same shall be considered on its own merits and in accordance with law and the decision shall be conveyed to the second petitioner within a period of eight weeks from the date of receipt of a copy of this order.



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6.This Writ Petition is disposed of in the above terms. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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N.ANAND VENKATESH, J.

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