



WEB COPY



W.P.No.1938 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1938 of 2021

and

W.M.P.Nos.2194 & 2196 of 2021

P.Balakrishnan

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Petitioner

Vs

1. The Principal Health Secretary,
Health and Family Welfare Department,
The Secretariat,
Fort.St.George, Chennai – 600 009.

2. The Secretary,
Ministry of Health and Family Welfare Department,
The Secretariat Nirman Bhawan,
C Wing, New Delhi – 110 001.

3. The Secretary of NMC,
Health and Family Welfare Department,
Sector 8, Dwarka Phase I,
New Delhi – 110 077.

4. The Registrar of TMC,
Tamil Nadu Medical Council No.914,
Poonamallee High Road,
Arumbakkam,
Chennai.

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Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for



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the issuance of Writ of Certiorarified Mandamus, to call for the records in proceedings dated 28.12.2020 having reference No.TNMC/PN/122020 issued by fourth respondent and quash the same and consequently directing the respondents not to implement the circular.

For Petitioner	: Mr.C.Kanagaraj
For R1	: Mr.Tippu Sulthan Government Advocate
For R3	: M/s.Subharanjani Ananth
For R4	: Mr.J.Jayamalan for Mr.S.Nedunchezhiyan

ORDER

This Writ Petition has been filed challenging the Circular issued by the fourth respondent dated 28.12.2020, thereby directed all the Registered Medical Practitioners to update their credentials for creation of State Medical Digital Register and obtain fresh e-certificates on or before 31.01.2021. Further imposed additional update fees of Rs.10,000/- in addition to the normal updation fees for delayed updation after 01.02.2021.

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

3. The petitioner is a registered medical practitioner vide



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No.53078 dated 02.07.1993 in the Tamil Nadu Medical Council. The petitioner was elected as the President of the Tamil Nadu Medical Council in the year 2016-2017. The petitioner, being a medical practitioner and registered in the Tamil Nadu Medical Council, challenges the circular issued by the fourth respondent insofar as imposing the delayed update fees of Rs.10,000/- for those who are updating their credentials after 01.02.2021.

4. The learned counsel appearing for the petitioner would submit that Section 14(1) the Tamil Nadu Medical Registration Act provided that the registration fee only Rs.5/- for registration of the medical practitioner. The updation of the medical practitioner credential also forms part of the registration and as such, the updation fees should not exceed Rs.5/-. The penalty of Rs.10,000/- for belated updation of their credential is arbitrary and illegal. The circular issued by the third respondent, without filling any Rule, is contrary to law. So far no Rules have been framed for the Tamil Nadu Medical Registration Act.

5. A perusal of the counter filed by the fourth respondent



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and the submission made by the learned counsel appearing for the fourth respondent reveals that on representation from the Indian Medical Association, the issue of late fee was discussed in detail by the Council and a resolution was passed to the extent that no extension of dates for updation of data is permitted by the council. A fine of Rs.500/- will be imposed in addition to normal updation fees from 01.02.2021 to 31.03.2021. Delayed update fees of Rs.10,000/- was imposed in addition to the normal updation fees on or after 01.04.2021.

6. The learned counsel appearing for the third respondent drew notice of this Court that the circular challenged in this writ petition was issued by the fourth respondent on the strength of the enactment of National Medical Council Act 30 of 2019 dated 08.08.2019, in which, Section 31 deals with the National Register and State Register. Section 31(6) of the National Medical Council Act says that every State Medical Council shall maintain and regularly update the State Register in the specified electronic format and supply a physical copy of the same to the Ethics and Medical Registration Board within three months from the commencement of the Act. Pursuant to the said Act, all the State



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Medical Council issued circular to update the medical practitioners credential to formation of the National Digital Medical Registry. Therefore, the circular dated 28.12.2020 was issued as directed by the Medical Council of India to create a State Medical Digital Register to contribute to the formation of National Digital Medical Registry which is a part of National Digital Health Mission.

7. Further the updation of medical practitioners credential is part of regular updating of data about the registered medical practitioners and the exercise is based on the directions given by Medical Council of India as a part of National Digital Mission. Therefore, the medical practitioners were directed to update their credentials in the phased manner on or before 31.08.2020. Subsequently vide public notification dated 30.10.2020, the last date was extended till 21.10.2020 and a delayed fees of Rs.1,000/- for every thirty days delay was imposed. Later, on 10.12.2020 it was resolved that the last date may be further extended up to 31.12.2020 and to impose a delayed update fee of Rs.10,000/- on or after 01.01.2021. Further updating the medical practitioners photo, address, mail ID, Mobile number, practicing address,



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are essential to maintain the State Medical Digital Register as a part of digitalization in the National Digital Mission. The updation of data is also useful to know about the registered medical practitioner demise in between and for blocking their registration number from being misused by others. Knowing the details of those registered medical practitioners, migrated to other countries, States and recording the same in the register prevents quacks from impersonating the registered medical practitioners. In fact, now the time has expired to update their credentials. The updation of medical practitioners arise once in five years. The only ground raised by the petitioner is that imposing of delayed fee is not a consonance with any Rule.

8. Therefore, the third and fourth respondents are directed to frame the Rules in accordance with the Act in future in order to levy delay fees for their updation of credentials once in five years. Hence, this Court finds no infirmity or illegality in the Circular issued by the fourth respondent and the writ petition is devoid of merits and is liable to be dismissed.

9. Accordingly, this writ petition stands dismissed.



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Consequently, connected miscellaneous petitions are closed. No costs.

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Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

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2. The Secretary,
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