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W.P.Nos.2425, 2428 & 2431 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

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

W.P.Nos.2425, 2428 & 2431 of 2021 and
WMP.Nos.2737, 2738 & 2744 of 2021

WP.No.2425 of 2021

Dr.K.Nithya

... Petitioner

Vs.

1.The Tamilnadu Dr.MG.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032,
Rep. By its Registrar

2.The Controller of Examination,
The Tamilnadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032

3.The Medical Council of India,
Dada Dev Mandhir Road,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi 110 077
Rep. By its Registrar

4.Dr.Padmapriya.P.

(respondents 3 & 4 impleaded vide court
order dated 16.04.2024 made in WMP.Nos.

7131 & 8607 of 2024 in WP.No.2425 of 2021)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



W.P.Nos.2425, 2428 & 2431 of 2021

India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in his communication Ex.II(2)/31891/2017 dated 02.05.2018 and quash the same and to direct the respondents to issue the Master Degree Certificate in Physical Medicine and Rehabilitation to the petitioner who has successfully passed the examination for the said course conducted by the respondents in October 2012.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondents

For R1 & 2 : Mr.A.Mohammed Gouse,
Standing Counsel

For R4 : Mr.N.S.Suganthan

WP.No.2428 of 2021

Dr.Noorul Amin Shahid

... Petitioner

Vs.

- 1.The Tamilnadu Dr.MG.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032,
Rep. By its Registrar
- 2.The Controller of Examination,
The Tamilnadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032
- 3.The Medical Council of India,
Dada Dev Mandhir Road,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi 110 077
Rep. By its Registrar



W.P.Nos.2425, 2428 & 2431 of 2021

(3rd respondent impleaded vide court
order dated 16.04.2024 made in WMP.No.
7132 of 2024 in WP.No.2428 of 2021) ... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in his communication Ex.II(2)/31891/2017 dated 02.05.2018 and quash the same and to direct the respondents to issue the Master Degree Certificate in Physical Medicine and Rehabilitation to the petitioner who has successfully passed the examination for the said course conducted by the respondents in October 2012.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondents

For R1 & 2 : Mr.A.Mohammed Gouse,
Standing Counsel

WP.No.2431 of 2021

Dr.P.Udhaysingh

... Petitioner

Vs.

- 1.The Tamilnadu Dr.MG.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032,
Rep. By its Registrar
- 2.The Controller of Examination,
The Tamilnadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
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- 3.The Medical Council of India,
Dada Dev Mandhir Road,



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Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi 110 077
Rep. By its Registrar
(3rd respondent impleaded vide court
order dated 16.04.2024 made in WMP.No.
7134 of 2024 in WP.No.2431 of 2021) ... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in his communication Ex.II(2)/31891/2017 dated 02.05.2018 and quash the same and to direct the respondents to issue the Master Degree Certificate in Physical Medicine and Rehabilitation to the petitioner who has successfully passed the examination for the said course conducted by the respondents in October 2012.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondents

For R1 & 2 : Mr.A.Mohammed Gouse,
Standing Counsel

COMMON ORDER

These writ petitions have been filed challenging the order passed by the second respondent dated 02.05.2018 thereby rejected the request made by the petitioner for issuance of Master Degree Certificate in Physical Medicine and Rehabilitation.



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2. The petitioners had completed their Diploma in Physical Medicine and Rehabilitation in the year 1998. While being so, in view of the inadequate number of teaching staff for the newly increased number of seats, Medical Council proposed an equivalence policy for bringing Diploma in Physical Medicine and Rehabilitation holder on par with holder of Masters degree in Physical Medicine and Rehabilitation. As per the proposal, respondents concerned allowed the petitioners to take examination on production of eligibility certificate. Accordingly, the petitioners were issued eligibility certificate and permitted to write examination. Thereafter the petitioners were issued provisional certificate. However, the petitioners were not awarded with any degree. Though the petitioners submitted representation and the same were not considered and as such the petitioners filed writ petition before this Court. As directed by this Court in WP.No.40796 of 2015, the first respondent considered their representation, however rejected the request made by the petitioners.



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3. On perusal of the counter filed by the fourth respondent in WP.No.2425 of 2021, revealed that the petitioner in WP.No.2425 of 2021 is now working in Government Kumaramangalam Medical College Hospital, Salem. She is a senior resident as per her qualification i.e. Diploma in Physical Medicine and Rehabilitation. But she was accommodated in the post of Assistant Professor on the teaching side and promoted to the post of Associate Professor, for which she is not qualified as per minimum qualifications for Teachers in Medical Institutions Regulations, 1998. The minimum required qualification for the said post is MD(PMR) or DNB (PMR). The petitioner is not entitled to claim MD(PMR) degree qualification without undergoing a recognised course of MD(PMR). After completion of undergraduate medical qualification i.e. MBBS, a candidate, if wishes to study further, higher studies available to a candidate are Doctor of Medicine(MD) and Master in Surgery(MS). The said postgraduate degree courses are three complete years. The Diploma in National Board is another option which is considered in par with MD/MS with certain specification as per NMC / MCI Regulations. That apart, two years diploma course on various



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specialities were made available previously and now the aforesaid diploma courses were abolished since recent academic years. As per minimum qualifications for Teachers in Medical Institutions Regulations, 1998, the minimum required qualification for the post of Junior resident is MBBS and for the post of senior resident, it was postgraduate diploma. The minimum required qualification for the post of Assistant Professor, Associate Professor and higher is a recognised postgraduate degree qualifications MD or MS or DNB in the concerned speciality. Therefore, without admitted into MD(PMR) course by proper selection by merit list, the petitioner cannot claim the degree of MD(PMR).

4. That apart, it was only proposal and not amended the rules. Mode of selection, merit based, admission, duration of course, academic requirements and mode of examination, etc. are detailed elaborately in Postgraduate Medical Education Regulations 2000 and it's amendments by NMC/MCI. These rules and regulations are being adhered to in order to ensure unbiased selection to admission, quality postgraduate medical education and to award a recognised post graduation degree after



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successful completion of a recognised course in a recognised medical institution. Therefore, the petitioner was also requested to surrender her MD(PMR) registration certificate forthwith by the communication dated 25.02.2022 by the Tamilnadu Medical Council. Further, the hall ticket issued by the first respondent also is very clear that it was issued as per the regulations and instructions issued by the University from time to time. If the candidate does not comply with the above regulations, the examinations taken by the candidate will be treated as cancelled. Hence, the petitioner is not entitled for degree of MD(PMR). Therefore, the Tamilnadu Medical Council by its communication dated 25.02.2022 cancelled the erroneous registration of her additional qualification of MD(PMR) and directed to surrender the registration certificate. Further, without undergoing any such regular recognised course of MD(PMR), the petitioner cannot claim such degree certificate by merely applying for the exam. Admittedly, the petitioners had undergone only post graduate diploma course and they appeared for the examination conducted by respondents 1 and 2. The said examination was not recognised by the Medical Council.



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5. Therefore, the request made by the petitioners was rightly rejected and this Court finds no infirmity or illegality in the impugned order passed by the second respondent. Accordingly, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

16.04.2024
(2/2)

Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.Registrar,

The Tamilnadu Dr.MG.R.Medical University,

No.69, Anna Salai,

Guindy, Chennai 600 032,

2.The Controller of Examination,

The Tamilnadu Dr.M.G.R.Medical University,

No.69, Anna Salai,

Guindy, Chennai 600 032

3.Registrar

The Medical Council of India,

Dada Dev Mandhir Road,

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