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W.P.No.29990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.29990 of 2024
and W.M.P.No.32691 of 2024**

Dr.Surya Sivanesan

... Petitioner

Vs.

- 1.The President,
National Medical Commission,
(Undergraduate Medical Education Board)
Pocket-14, Sector-8,
Dwarka Phase-1,
New Delhi-110 077.
- 2.The President,
Tamil Nadu Medical Council,
Nos.959 and 960, Poonamallee High Road,
Purasaiwakkam,
Chennai-600 084.
- 3.The Deputy Registrar,
Uttarakhand Medical Council,
Room No.68, Director General, Medical Health and FW
Uttarakhand, Sahastradhara Road,
Near Rajeev Gandhi Play Ground,
Gujrara, Dehradun,



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Brahmawala,
Uttarakhand-248 001.

4.The Principal and Dean,
Gautam Buddha Chikitsa Mahavidyalaya,
Subhartipuram, Phase II, NH 72,
Jhajra, Chakrata Road,
Dehradun, Uttarakhand-248 007.

5.The Principal,
Government Doon Medical College Hospital,
New Road, Race Course, Dehradun,
Uttarakhand-248 001.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the communication No.UKMC/2024-25/1339 dated 27.06.2024 sent by the third respondent and the office order Letter No.GDMC/UG-Section/FMG Clinical Clerkship 2024/3672 dated 04.07.2024 issued by the fifth respondent and consequently, direct the second respondent to register the name of the petitioner as Permanent Medical Practitioner with the Tamil Nadu State Medical Council.

For Petitioner : Mr.D.Baskar

For Respondents : Mrs.Shubaranjani Ananth for R1
Mr.U.Baranidharan
Standing Counsel for R2



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ORDER

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This Writ Petition has been filed challenging the communication No.UKMC/2024-25/1339 dated 27.06.2024 issued by the third respondent and the letter No.GDMC/UG-Section/FMG Clinical Clerkship 2024/3672 dated 04.07.2024 issued by the fifth respondent and for a direction to the second respondent to register the name of the petitioner as Permanent Medical Practitioner with the Tamil Nadu Medical Council.

2. The case of the petitioner is that the petitioner herein joined MBBS Course in China Medical University on 01.09.2017 and in December 2019, he came to India during vacation and due to COVID-19, he could not go back to China. He completed the Course online by June 2023 and his internship started in March 2022. He was awarded the Degree of Bachelor of Medicine and Bachelor of Surgery on 25.06.2023. Since he did the Course outside India, as per the Rules and Regulations laid down by the first respondent, vide Public Notice dated 28.07.2022, based on the order of the Hon'ble Apex Court dated 29.04.2022 in S.L.P.No.2536-37 of 2022, the



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petitioner had to pass Foreign Medical Graduate Examination (FMGE) and undergo Compulsory Rotating Medical Internship (CRMI) for a period of two years to make up for clinical training and after completion of CRMI, the petitioner will be eligible to get registration as Medical Practitioner. The petitioner had passed in FMGE Examination and since he had already undergone internship for one year through online with China Medical University, he had to undergo internship for one year only and he had applied with the second respondent/Tamil Nadu Medical Council for internship, however, the second respondent did not respond and therefore, the petitioner had applied with the third respondent/Uttarakhand State Medical Council in non-domicile category and the third respondent allotted the fourth respondent College for internship and since he already completed the internship one year, he completed the internship of another year in the fourth respondent Institution and therefore, he became eligible to get registered as Medical Practitioner and he applied in the Portal of the third respondent to register himself as Medical Practitioner, however, the third respondent did not send any reply, instead the third respondent has sent



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impugned communication dated 27.06.2024 to the fifth respondent, wherein the petitioner has been allotted a seat for two year Clinical Clerkship in the fifth respondent College and thereafter, the fifth respondent, vide impugned order dated 04.07.2024, directed the petitioner to undergo clinical clerkship for two years. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court, without interfering with the impugned communication dated 27.06.2024 issued by the third respondent and the letter dated 04.07.2024 issued by the fifth respondent, permits the petitioner to make a representation before the third respondent in order to avail the benefit of internship which was undergone by the petitioner for a period of two years and on receipt of the representation, the third respondent may be directed to dispose of the same on merits and in accordance with law, within a specified period.



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4. Heard the learned counsel appearing for the first respondent and the learned Standing Counsel appearing for the second respondent.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without interfering with the impugned communication dated 27.06.2024 issued by the third respondent and the consequential letter dated 04.07.2024 issued by the fifth respondent, permits the petitioner to make a representation before the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of the representation made by the petitioner.



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6. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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