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W.P.No.27627 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27627 of 2023

And

W.M.P.No.27089 of 2023

1.Dr.Abu Vincent

2.Dr.Jeyahar Jushantan J.

... Petitioners

Vs.

1.Tamil Nadu Medical Council
Represented by its Registrar
New No.914, Old No.569
Poonamallee High Road
Arumbakkam
Chennai – 600 106.

2.National Board of Examinations in Medical Sciences
Represented by its Executive Director
Medical Enclave, Ansari Nagar
Mahatma Gandhi Marg
Ring Road
New Delhi – 110 029.

3.Christian Fellowship Hospital
Represented by the Head of the Institute
Oddanchatram, Dindugal – 624 619. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the first respondent to recognise



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the petitioners' Diplomate of National Board in General Medicine and consequently issue Medical Registration Certificates to each of the petitioners.

For Petitioners : Mr.Suhrith Parthasarathy

For Respondents : Mr.S.Nedunchezhiyan for R1
Standing Counsel
Mr.R.Thirunavukarasu for R2
Mr.Abhishek Jebaraj for R3
for M/s.Navarre Ebenezer Roy

ORDER

W.M.P.No.27089 of 2023 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2.The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to recognise the petitioners Diplomate of National Board in General Medicine and consequently issue Medical Registration Certificates to them.



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3.The learned counsel appearing for the petitioners submitted that the petitioners completed M.B.B.S. Degree during the years 2016 and 2017 respectively and registered their M.B.B.S. Degree with the first respondent. Thereafter, they cleared the Diplomate of National Board – Centralised Entrance Test (DNB – CET) conducted by the second respondent on 29.06.2018 and participated in the Centralized Online Merit Based Counselling conducted by the second respondent and chose the Diplomate of National Board (DNB) General Medicine Programme in the Christian Fellowship Hospital/ third respondent.

4.The learned counsel appearing for the petitioners further submitted that since the third respondent received due accreditation from the second respondent for two additional seats for DNB General Medicine for July, 2018 to June, 2021 admission, the second respondent allotted two DNB General Medicine seats to the petitioners in the third respondent and also issued letter dated 10.10.2018 to the third respondent. The petitioners successfully completed the three year DNB course during June, 2021 and the second respondent awarded DNB completion certificates to the petitioners. Thereafter, the petitioners applied to the first respondent through online to



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register their DNB qualification and the first respondent informed the petitioners that the application could be processed only if the third respondent uploads its students list in the TNMC portal. Thereafter, the petitioners approached the third respondent to update the student list however, the petitioners were informed that the third respondent had already uploaded a student list of four students, two students admitted during January, 2018 and two students admitted during July, 2018.

5.The learned counsel appearing for the petitioners further submitted that the second respondent has filed counter affidavit in this writ petition stating that as per the information provided by the Department of Accreditation, regarding DNB General Medicine Department at third respondent/ Christian Fellowship Hospital, in July, 2017, two DNB seats were already accredited and included in the counselling for July, 2017 to June, 2018 admission period; in February, 2018, the seats of the above department have been enhanced from existing two to four. Hence, two additional granted seats had been included in the counselling for January, 2018 session as carried forward seats; in July, 2018, since the total seats at that time were



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four, then total four seats had been included for the counselling for July, 2018 to June, 2019 admission period.

6.The learned counsel appearing for the petitioners further submitted that the petitioners were admitted for DNB General Medicine during July, 2018 and they successfully completed the three year course during June, 2021 and further submitted that in view of the counter affidavit filed by the second respondent, there is no legal impediment to the first respondent to register the petitioners Diplomate of National Board in General Medicine qualification.

7.The learned counsel appearing for the second respondent submitted that regarding DNB General Medicine Department at third respondent/ Christian Fellowship Hospital, in July, 2017, two DNB seats were already accredited and included in the counselling for July, 2017 to June, 2018 admission period; in February, 2018, the seats of the above department have been enhanced from existing two to four. Hence, two additional granted seats had been included in the counselling for January, 2018 session as carried forward seats; in July, 2018, since the total seats at that time were four, the total four seats



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had been included for the counselling for July, 2018 to June, 2019 admission period. Hence, there is no legal impediment to the first respondent to register the petitioners Diplome of National Board in General Medicine qualification.

8.Mr.Abhishek Jebaraj, learned counsel appeared on behalf of the third respondent through video conferencing mode and submitted that he is supporting the case of the petitioners.

9.The learned Standing Counsel appearing for the first respondent submitted that in view of the counter affidavit filed by the second respondent in this writ petition, the petitioners Diplome of National Board in General Medicine qualification will be registered by the first respondent within a period of four weeks from the date of receipt of a copy of this order.

10.Heard the arguments advanced on either side and perused the materials available on record.

11.It is appropriate to extract hereunder the relevant portion of



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the counter affidavit filed by the second respondent:

'3.I state that the 2nd Respondent conducted the DNB Centralized Entrance Test (DNB CET) June 2018 on 29.06.2018 and the Result cum Merit list of the candidates of DNB – CET was declared by this Respondent on 26.07.2018. I state that the Petitioners, namely Dr.Abu Vincent and Dr.Jeyahar Jushantan J. appeared for DNB CET and successfully cleared the examination for admission to DNB Broad Specialty Courses for July 2018 Admission Session. The Petitioners participated in the centralized Online Merit Based counselling for DNB (Post MBBS) & DNB (Post Diploma) courses for July 2018 Admission Session conducted by the 2nd Respondent and were allotted seats at Christian Fellowship Hospital, Oddanchatram, Tamil Nadu – 624619 in the specialty of General Medicine.

4.I state that Petitioners had as per the averments in the petition, applied online to the 1st Respondent to register their DNB qualification. However, their applications could not be processed as the 3rd Respondent uploaded a list containing only four students in the 1st Respondent/TNMC portal (two trainees of January 2018 Admission Session and two trainees of July 2018 Admission Session) citing that



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the hospital had secured accreditation from the 2nd Respondent only for four students.

5.I submit that as per the information provided by the Department of Accreditation, regarding DNB General Medicine Department at 3rd Respondent/Christian Fellowship Hospital, Oddanchatram, Tamil Nadu:

In July 2017, two DNB seats were already accredited and included in the counseling for July 2017 to June 2018 admission period.

In February 2018, the seats of the above department have been enhanced from existing two to four. Hence, two additional granted seats had been included in the counseling for January, 2018 session as carried forward seats.

In July, 2018, since the total seats at that time were four, then total four seats had been included for the counseling for July 2018 to June 2019 admission period.'

12.In view of the above consent, this Court directs the first respondent to register the petitioners Diplomate of National Board in



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General Medicine qualification, within a period of two weeks from the date of receipt of a copy of this order.

13.This writ petition is accordingly disposed of. No costs.

14.10.2024

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Note: Issue order copy on 15.10.2024.

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.Tamil Nadu Medical Council
Represented by its Registrar
New No.914, Old No.569
Poonamallee High Road
Arumbakkam
Chennai – 600 106.
- 2.National Board of Examinations in Medical Sciences
Represented by its Executive Director
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