
(2011) 04 MP CK 0035
In the Madhya Pradesh High Court
Case No : Writ Petition No. 9196/09

Dr. Rajeev Dalela

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 05-04-2011

Acts Referred:

Indian Medical Council Act, 1956 — Section 11(2)

Citation : (2011) 04 MP CK 0035

Hon'ble Judges : Sushma Shrivastava, J;K.K. Lahoti, J

Bench : Division Bench

Judgement

1. Shri Mohan Sausarkar appearing on behalf of the Respondent No. 3 submitted that the Board of Governors (in supersession of Medical Council of India) has issued an order dated 1.3.2011 by which the Board of Governors recommended to recognize courses of M.S. (Orthapatics) and Diploma in Orthopaedics at G.R. Medical College, Gwalior under Jiwaji University with effect from 1981 and 1980, respectively, and the Central Government by a notification has recognised the aforesaid courses. It is submitted that a notification has been issued on 18.3.2011 in this regard, which is filed alongwith return as Annexure-II. That this petition has rendered infructuous and may be dismissed accordingly.

2. Shri Samdarshi Tiwari, learned GA submitted that the students who have already passed the courses from G.R.Medical College, Gwalior may also be extended benefit of this notification.

3. Learned Counsel for Petitioner also submitted that the Petitioner be given same benefit and the Medical Council of India be directed to register the Petitioner as registered medical practitioner with M.S. degree.

4. From the perusal of the notification, we find that the Government of India, Ministry of Health & Family Welfare, New Delhi vide notification dated 18.3.2011 has directed for amendment in the first schedule of the Indian Medical Council Act, 1956 in respect of certain courses run by Jiwaji University. For ready

reference, we quote aforesaid notification which reads as under:

Government of India Ministry of Health & Family Welfare (Department of Health and Family Welfare)

Nirman Bhavan, New Delhi Dated the 18th March 2011

Notification

S.O... In exercise of the powers conferred by Sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, due to change of nomenclature of the qualification namely:

In the said Schedule-

a) against "Jiwaji University" under the heading "Recognized Medical Qualification" [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading "Abbreviation for Registration" [hereinafter referred to as column (3), the following shall be inserted, namely:

(2)

(3)

?Master of Surgery (Orthopaedics)?

MS(Ortho.)

(This shall be a recognised medical qualification when granted by Jiwaji University in respect of students being trained at G.R. Medical College, Gwalior, Madhya Pradesh on or after 1981.

?Diploma in Orthopaedics?

D.Ortho.

(This shall be a recognised medical qualification when granted by Jiwaji University in respect of students being trained at G.R. Medical College, Gwalior, Madhya Pradesh on or after 1980.

Note to all: 1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.

2. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No.U.12012/16/2010-ME(P.II) sd/-(Anita Tripathi) Under the Secretary to the Govt. of India Ph. 23061342.

5. As aforesaid recognition has been granted for the period upto 2016 to the

courses run by the Jiwaji University with retrospective effect, no further order is required by this Court. As aforesaid courses have been recognized in view of the notification dated 18.3.2011, we find that the relief prayed by the Petitioner has already been granted by the Respondents and this petition has rendered infructuous. However, Respondents shall give effect to the notification and extend benefit of the notification to all the concerned including the students who have passed the courses within the aforesaid period.

6. With the aforesaid directions, this petition is disposed of finally with no order as to costs.

7. A copy of this order be sent to the G.R. Medical College, Gwalior for information and necessary action.

8. C.C. as per rules.