

(2017) 06 SIK CK 0005

In the Sikkim High Court

Case No : 9 of 2016

Sikkim Manipal University & Anr Vs Union of India & Ors.

Date of Decision : 05-06-2017

Acts Referred:

Medical Council Act, 1956, Section 11(2)
- Recognition of medical qualifications granted by Universities or medical institutions in India

Citation : (2017) 06 SIK CK 0005

Hon'ble Judges : Meenakshi Madan Rai

Bench : Single Bench

Advocate : Nikhil Nayyar, T.R. Barfungpa, Karma Thinlay, S.P. Bhutia, ?Pollin Rai

Judgement

1. The Petitioner has filed an additional Affidavit placing on record subsequent events and documents.

2. It is submitted by learned Counsel for the Petitioner that during the pendency of the instant Petition, on 24.05.2017 the Petitioners have received a copy of a Notification dated 25.4.2017. It has been issued by the Ministry of Health and Family Welfare (Department of Health and Family Welfare), Government of India, under Section 11(2) of the Indian Medical Council Act, after consulting the Medical Council of India, making further amendments in the First Schedule of the Act, recognizing the Degrees of MD (General Medicine), MD (Paediatrics), MS (ENT) and MD (Psychiatry) for a maximum period of five years. Thereafter, it will have to be renewed. For the three courses i.e. MD (General Medicine), MD (Paediatrics) and MS (ENT), the recognition so granted is from 2014, while for MD (Psychiatry), recognition is from 2015.

3. In view of the said Notification, it is submitted that the recognition sought for in terms of the prayer in the I.A. No. 4 of 2016 (renumbered as I.A. No. 9 of 2016), has been granted and the I.A. be disposed of accordingly.

4. Learned Counsel for the Respondent No.2, submits that he requires sometime to verify the claims of the Petitioners. Learned Counsel for the Respondent No.1 admits that he has received the said Notification and has no reason to doubt its

veracity.

5. In view of the aforesaid submissions and considering that an Affidavit has been filed in support thereof and the Notification specifies that the Respondent No. 2 has been consulted, I am not inclined to grant the prayer of the Respondent No. 2.

6. The prayers of the Petitioner in the I.A. have been duly complied with by the Notification. Thus, nothing further survives for adjudication.

7. As prayed for by the Petitioners, let the sum of Rs.25,00,000/- (Rupees twenty-five lakhs) only, which was ordered to be deposited by the Petitioners with the Respondent No.2, vide the Judgment dated 25.5.2016 in WP(C) No. 24 of 2015, be refunded within eight weeks from today.

8. I.A. No.09 of 2016 stands disposed of.