

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6868/2024

Dr. Alka Bishnoi Daughter of Dr. Shree Chand Vishnoi, Wife of Dr. Rahul Kumar Bishnoi, aged about 59 Years, Resident of Bishnoi-Nursing-Home, Civil Lines, Judgi-Road, Bijnor, (U.P.)-246701.

-----Petitioner

Versus

1. State of Rajasthan, through its Principal Secretary, Medical Education, Government of Rajasthan, Government Secretariat, Jaipur (Raj.)-302005.
2. Principal and Controller, Sawai Man Singh Medical College and attached Hospitals, Sawai Man Singh Medical College, Jawahar Lal Nehru Marg, Jaipur, 302004.

-----Respondents

For Petitioner(s)	:	Mr.Rajendra Soni with Mr.Vishal Soni Dr.Nitin Soni
For Respondent(s)	:	Mr.Harsh Parashar & Mr.Sankalp Vijay for Mr.Vigyan Shah, AAG

JUSTICE ANOOP KUMAR DHAND

Order

08/04/2025

1. The instant writ petition has been preferred with the following prayer:-

“(i) By issuing an appropriate writ order or direction, the impugned action of respondents of not issuing fresh internship completion certificate in new proforma required under Clause 9 of the "Regulations of Medical Practitioners and Licence to Practice Medicine Regulations, 2023" for transfer of license of medical practice from Rajasthan State to Uttar Pradesh State, be quashed and set aside and the respondent No.2-Principal, S.M.S. Medical College, Jaipur be directed to issue fresh internship completion

certificate in new proforma required under Clause 9 of the "Regulations of Medical Practitioners and Licence to Practice Medicine Regulations, 2023" for transfer of license of medical practice from Rajasthan State to Uttar Pradesh State with all consequential benefits.

(ii) Any other appropriate writ, order, or direction which this Hon'ble Court deem think fit and proper in facts and circumstances of this case may also be passed in favour of the petitioner

(iii) Cost of the writ petition may also be awarded in favour of the petitioner."

2. By way of filing this writ petition, the petitioner is seeking direction against the respondent No.2, to issue fresh internship certificate in the new proforma required under Clause-9 of the Registration of Medical Practitioners and Licence to Practice Medical Regulations, 2023 (for short, "the Regulations, 2023").

3. The petitioner took admission in the MBBS Course in the year 1983 in Sawai Man Singh Medical College, Jaipur (for short, "the SMS") and she completed her MBBS Course in the year 1988, thereafter, she started her internship in the subject Gyneacology/ Obstetrics with effect from 26.12.1988 till 25.01.1989 at District Hospital, Bharatpur. In the meantime, her marriage was solemnized with Dr. Rahul Kumar Bishnoi, who was a resident of Bijnor, U.P. and working in the State of Uttar Pradesh as a Government Servant. Thereafter she requested the Principal, SMS College, Jaipur, to permit her to complete her remaining internship from the District Hospital at Agra. It is submitted in the writ petition that the then Principal of the College, Dr. S. R. Mehta allowed & permitted her to complete her remaining internship from the District Hospital at Agra. An affidavit was submitted by the petitioner before the Principal, seeking the aforesaid

permission. Thereafter from 26.05.1989 to 25.06.1989 in the District Hospital, Agra, the petitioner has completed her internship in Gynaecology/ Obstetrics. Furthermore, she did her internship in the subject-medicine from 26.05.1988 to 20.02.1989 from the District Hospital, Bharatpur and from 21.02.1989 to 25.05.1989 from District Hospital, Agra. Thereafter, she did her remaining internship in Surgery from 26.03.1989 to 25.05.1989 from District Hospital, Agra in Social and Preventive Medicine from 26.06.1989 to 25.12.1989 from the District Hospital, Agra. A completion certificate in this regard has also been given by the Chief Medical Officer/ Senior Medical Superintendent, District Hospital Agra on 30.12.1989. The degree of MBBS was awarded to the petitioner and thereafter, the petitioner registered herself as a Medical Practitioner from Rajasthan Medical Council on 22.01.1990.

4. It is the case of the petitioner that after getting the Degree of MBBS, she did Post-Graduation and Diploma in Obstetrics and Gynaecology from University of Agra and the aforesaid qualifications were recognized and registered by the Rajasthan Medical Council on 20.01.1990 and Medical Council of India on 16.04.2004, thereafter, the petitioner wanted to transfer her licence of practice from the State of Rajasthan to the State of Uttar Pradesh and for the said purpose, an internship Certificate is required under the proforma, prescribed under Clause 9 of the Regulations of 2023.

5. The case of the respondents is that the petitioner was never permitted to do her remaining part of the internship from the District Hospital, Agra and the petitioner has hardly done her internship from the District Hospital, Bharatpur for a period of 1

month and 26 days. Counsel submits that as per the prescribed procedure, the petitioner is supposed to get approval and permission from the Parent Medical College for transfer of internship and No Objection Certificate in this regard is required to be taken from the Parent College, Accepting College and Medical Council of India. Counsel submits that in the instant case, no such certificate was issued by any of the above three authorities and it appears that the petitioner at her own has completed her internship from District Hospital, Agra which is not valid as per the aforesaid procedure. Counsel submits that under such circumstances, the internship certificate as per Clause-9 of the Regulations 2023 cannot be issued to the petitioner and the petition is liable to be rejected.

6. Heard and considered the submissions made at Bar and perused the material available on record.

7. The facts pleaded by the counsel for the petitioner reveals that after completion of her MBBS Course, she started her internship from District Hospital, Bharatpur in the month of December, 1988 and she did her internship in the subject Gyneacology/ Obstretics from the same hospital with effect from 26.12.1988 till 25.01.1989. It appears that in this intervening period, her marriage was solemnized with Dr.Rahul Kumar Bishnoi on 30.11.1988 and thereafter, she approached Principal of S.M.S. Medical College for seeking permission to continue the remaining internship from the District Hospital, Agra. No documents have been placed on record in this regard, but it appears that the petitioner has completed her remaining internship from the said hospital at Agra and thereafter, a completion certificate was issued

on 30.12.1988 and on the basis thereof, the Degree of MBBS was awarded to her and she was registered as Medical Practitioner by the Rajasthan Medical Council and thereafter, she pursued further studies and got Diploma in Gynaecology and these qualifications were added in the record by the Medical Council of India.

8. This fact is not in dispute that the petitioner has completed her internship in two parts, one from the District Hospital, Bharatpur and the other from District Hospital, Agra. As per Ordinance 272 (V) of the University of Rajasthan Ordinance, all parts of the internship shall be done as far as possible in the institution of India. Perusal of the aforesaid Ordinance indicates that there is no bar in doing the internship from other hospital, and internship could be completed from any State Medical Council in India and in case of any difficulty, the matter is referred to the Medical Council of India. In the instant case, the internship has been completed in two parts and a completion certificate has been issued thereof and the Rajasthan Medical Council has granted Medical Practitioner Certificate to the petitioner. The petitioner is a registered medical practitioner and she is practicing since 1990, i.e., more than 25 years. Now, she is seeking certificate of internship in terms of Clause-9 of the Regulation of 2023 to practice in other State. The certificate cannot be denied now on technicalities, after 25 years of her medical carrier.

9. In view of the facts narrated above, the instant writ petition stands disposed of by issuing direction to the Principal, SMS Medical College, Jaipur to issue internship certificate to the petitioner in the proforma required under Clause-9 of Regulation, 2023 with regard to the period of internship, i.e., 26.12.1988 to

25.01.1989 and 26.01.1989 to 20.02.1989, i.e., for 1 month 26 days only and for the remaining part of the certificate, the petitioner may approach the Appropriate Authorities concerned.

10. Stay application and all pending application(s), if any, also stand disposed of.

11. Needless to observe that the respondents would comply with the order passed by this Court within a period of three months from the date of receipt of certified copy of this order.

(ANOOP KUMAR DHAND),J

Aayush Sharma/48