

In the High Court of Judicature at Madras

Dated: 24.11.2014

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mrs. Justice PUSHPA SATHYANARAYANA

Writ Petition No. 6617 of 2014

Interns and Post Graduate Association
of Tamil Nadu
Room No.208
Madras Medical College Men's Hostel
Park Town, Chennai 600 003
rep. by its Secretary Dr. J. Praveen.

.. Petitioner

vs.

1. The Registrar
Tamil Nadu Dr. MGR Medical University
Guindy, Chennai 600 032.

2. The Secretary to Government
Government of Tamil Nadu
Health & Family Welfare Department
Fort St. George, Chennai 600 009.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent authorities to grant weekly off and Government holidays and also provide for 8 hours duty pattern for the medical interns undergoing intern-ship in the State of Tamil Nadu.

For Petitioner : Mr. S. Thanka Sivan
For Respondents : Mr. S.T.S. Moorthy
Govt. Pleader for R2
Mr. Sanjai Ramaswami for R1.

ORDER

(Made by The Hon'ble The Chief Justice)

The petitioner Association is of Interns and Post Graduate Medical Students of the State of Tamil Nadu. The grievance made is that the working hours are too long, at times running continuously up to 36 working hours or more during their intern-ship period.

2. The petitioner sought to rely upon the material produced before this Court in Writ Petition No.2454 of 2010, disposed of on 17.02.2011, wherein in paragraph 12, a reference was made to a study carried out in United States of America over the effect of long working shifts. The survey opined that there was increased risk of significant medical errors, etc. On this ground, thus, it was observed by the Bench that a fresh look be given to the matter in question and if necessary, surveys be carried out. Learned counsel submits that nothing really had been done in pursuance thereof.

3. On the other hand, the respondents state that the aforesaid is not the correct position. In the counter affidavit filed by the second respondent, it is stated that a Meeting was held with the Interns and Post Graduate Association of Tamil Nadu on 20.9.2013, where the following clarification was issued.

“As mentioned in the guidelines in such departments also, the authorities responsible shall adjust the intern experience to maximize interns' opportunities to practice skills in patient care in all aspects in rough approximation of the time allocation suggested so as to ensure that the interneers get wholesome and holistic learning experience and exposure. As envisaged in the guidelines, the interneers must be guided and mentored by the regular medical teachers as this is the only time when they can learn freely under the guidance of experienced hands. With regard to the issue of duty hours, it is recommended that to the extent feasible, on admission day after 2.00 p.m., the Unit Chiefs/Professors may provide adequate physical and mental rest by giving appropriate break in turns to the interneers.”

4. The affidavit also clarifies that there is no weekly off to Interns

as per the norms fixed by the Medical Council of India and the Tamil Nadu Dr. M.G.R. Medical University, but for the twelve months Compulsory Rotary Residential Internship, a maximum of twelve days leave is eligible and for the six months period, it is six days. Thus, adequate time period is stated to be available.

5. We have put to the learned counsel for the petitioner that we cannot compare the norms of United States of America with India. The ground realities are different. The number of patients with hospitals and the doctors required to attend in India are very different. We have to deal with much large numbers in whatever field it may be. For an example, the Courts in India are required to handle far many more matters than would be handled by U.S. Courts. The Supreme Court in U.S.A. hears about 70 cases a year, while on a miscellaneous day the Supreme Court in India would have 70 cases before each Bench !

6. Despite the aforesaid, there can be no doubt that there should be a minimum adequate time available for rest in between. Learned Government Pleader states that this is so, as residential facilities are

available to these Interns and Post Graduates at the campus. The extended 24-36 hours is only on the admission day, while on other days, they shall report at 7.00 a.m. and thereafter, have classes around 11.00 a.m., which go up to 2.00 clock, other than exigencies. If this is so, it cannot be said to be extra load, but there appears to be a difference, whether this actually occurs at the ground level or not.

7. We are of the view that it is not possible for this Court to govern how this period of intern-ship is utilised for the benefit of the candidates and it is for the respondents to manage the issue. Suffice to say that endeavour should be made at the ground level to adhere to the time period mentioned aforesaid, as far as possible, to facilitate some free time to these interns to refresh their mind.

8. With the above observations, we close the writ petition. No costs.

Index : yes/no
Internet: yes/no
ATR

[S.K.K., CJ] [P.S.N., J.]
24th November, 2014.

To

1. The Registrar
Tamil Nadu Dr. MGR Medical University
Guindy, Chennai 600 032.
2. The Secretary to Government
Government of Tamil Nadu
Health & Family Welfare Department
Fort St. George, Chennai 600 009.

**The Hon'ble The Chief Justice
and
PUSHPA SATHYANARAYANA,J.**

ATR

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