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एडान-ए-गालिब मार्ग कोटला रोड,  
माता सुन्दरी महिला कालेज के सामने,  
नई दिल्ली-110 002  
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New Delhi-110002

भारतीय आयुर्विज्ञान परिषद

MEDICAL COUNCIL OF INDIA

Date 21/4/04

No. MCI-203(1)/2004-Regn./

10/93

Dr. K. Sarkar  
Secretary

Nikhil Bangiya Vidyapeeth,  
HBMCH- Prafulla Nagar - 743268.  
(Near 2 No. Rail Gate).  
24, Parganas (North), West Bengal.

Subject: Permission / Recognition of Para-medical & CMS & ED  
Certificate & Diploma Courses.

Sir,

With reference to your letter NO. NBV IIAB 13X/04, dated 8.10.2004, on the subject noted above, this is to inform you that Para-medical & CMS & ED Courses do not come under the purview of Medical Council of India, New Delhi. As such, permission of the MCI is not required for starting / running Para-medical & CMS & ED Courses in MCI as on date.

Yours faithfully

  
(JAGTAR SINGH)  
ASSTT. SECRETARY

  
NIKHIL BANGIYA VIDYAPEETH  
36, Pulin Avenue, Kolkata-81

माननीय सुप्रीम कोर्ट के निर्णय के अनुसार cms डिप्लोमा धारी चिकित्सक संक्रामक रोगों सहित सभी रोगों में प्राथमिक चिकित्सा कार्य कर सकते हैं, अपने मरीजों को मेडिकल प्रमाण पत्र दे सकते हैं।

सुप्रीम कोर्ट इयरली डायजेस्ट 2003 में इश्यू पृष्ठ संख्या -616 पर प्रकाशित सुप्रीम कोर्ट का निर्णय दिया है।

## 6. MEDICAL PRACTICE

[2406] — **Right to practise — Qualification — Holders of Diploma in Community Medical Services in West Bengal — Held, entitled to be registered in State Medical Register for practice in allopathic medicine to treat common diseases among rural population — Also entitled to prescribe medicines and issue sickness and death certificates, such right being imbibed in the right to treat — Bengal Medical Act, 1914 (6 of 1914), Ss. 18 and 15**

The relevant portion of Notification No. 1076-Medical dated 17-5-1915 issued by the then Financial Department, Government of Bengal read as hereunder:

In view of the ruling in *Mukhtiar Chand (Dr) case*, (1998) 7 SCC 579, there is no bar to register the appellant holders of "Diploma in Community Medical Services" in the State Medical Register.

Further, since the appellants are validly holding right to treat certain diseases their right to issue prescriptions or certificates cannot be detached from their right to treat. Such right to issue certificates or prescriptions is imbibed in the right to treat. One cannot and shall not be separated from the other. Once the right to treat is recognized, then the right to prescribe medicine or issue necessary certificate flows from it. Or else the right to treat cannot be completely protected. Hence, even assuming Notification No. 1076-Medical dated 17-5-1915 issued by the then Financial Department, Government of Bengal is not there, still the appellants' right to prescribe medicine cannot be denied. (Paras 13 and 7)

Therefore, the respondents shall make necessary arrangements to include the names of all the diploma-holders concerned in the State Medical Register for the limited purpose indicated therein within a period of six months from today. (Para 14). *Subhasis Bakshi v. W.B. Medical Council*, (2003) 9 SCC 269; AIR 2003 SC 1563; (2003) 3 SLR 138; (2003) 2 CHN 138(SC Supp).

Bench Strength 2. Coram: **S. Rajendra Babu and Shivaraj V. Patil, JJ.** [Date of decision: 14-2-2003]

*Mukhtiar Chand (Dr) v. State of Punjab*, (1998) 7 SCC 579, followed

*A.K. Sabhapathy (Dr) v. State of Kerala*, 1992 Supp (3) SCC 147; *Medical Council of India v. State of Rajasthan*, (1996) 7 SCC