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IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.24375 of 2026
CNR No.ODHC010570622026

In the matter of an application under Article 226 & 227 of the Constitution of India, 1950.

.....

Dr. Anwesha Panda .... **Petitioner**

-versus-

State of Odisha & Others .... **Opp. Parties**

For Petitioner : Mr. R. Behera, Advocate

For Opp. Parties : Mr. C.K. Pradhan, AGA
Mr. R.C. Mohanty, Adv.
(for O.P. Nos.2 & 3)

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 14.10.2026 and Date of Judgment: 04.11.2026

Biraja Prasanna Satapathy, J.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the parties.

3. The present Writ Petition has been filed inter alia with the following prayer:

> *"Therefore, the Petitioner prays that your Lordships may graciously be pleased to admit the writ petition, issue Rule NISI, calling upon the Opp. Parties to show cause as to why a writ of certiorari shall not be issued to quash the posting order dated 17.01.2026 (Annexure-6) and the Notification NO.1031 dated 09.07.2026 (Annexure-8);*
>
> *And, further direct the Opp. Party No.2 to issue permanent registration to the Petitioner at the earliest.*
>
> *And, if the Opp. Parties fail to show cause or show insufficient cause then make the rule absolute;*
>
> *And, pass any other writ/writs, order/orders, direction/directions as your Lordships may deem just and proper;*
>
> *And, for this act of kindness the Petitioner as on duty bound shall ever pray.*

4. While assailing the impugned order dtd.17.01.2026 so issued under Annexure-6 of Opp. Paty No.2, learned counsel appearing for the Petitioner contended that, taking into account the status of the Petitioner having acquired Doctor of Medicine from S. Tentishev Asian Medical Institute, Kyrgyzstan, Petitioner could not have been directed to undergo internship for a period of 2 years i.e 1 year Clerkship + 1 year CRMI.

4.1. Learned Counsel appearing for the Petitioner contended that Petitioner took admission in S. Tentishev Asian Medical Institute, Kyrgyzstan for the academic year 2017-2018 in a 6 (six) years course of M.D Physician and was issued with the admission letter under Annexure-1 series. It is contended that Petitioner completed the 6 years course with year of entry 2017 and year of exit 2023. It is further contended that Petitioner took admission to prosecute the course on 31.10.2017 with her date of exit as 04.07.2023, so available from the Certificate issued on 05.06.2023 under Annexure-2 series.

4.2. It is contended that Petitioner while so continuing the M.D course in general medicine w.e.f 31.10.2017, because of the advent of COVID-19, Petitioner returned to India on 22.07.2020 and left for Kyrgyzstan on 13.11.2021. It is contended that during the period Petitioner left for India on 22.07.2020, she was continuing in her 4th year and Petitioner in total remained for around 15 months in India.

4.3. Learned counsel appearing for the Petitioner contended that for the period she remained in India because of COVID-19 from 22.07.2020 to 13.11.2021, Petitioner compensated the classes in physical mode for a duration of 9 months 10 days i.e. for the period from 14.11.2021 to 05.07.2022 and 15.09.2022 to 05.11.2022 in lieu of the Online classes. It is accordingly contended that since Petitioner compensated the classes in physical mode in lieu of Online classes for the period from 14.11.2021 to 05.07.2022 and 15.09.2022 to 05.11.2022 and thereafter completed the M.D in general Medicine, Petitioner was allowed to take the Screening Test Pass Certificate so conducted by the National Board of Examinations in Medical Sciences under Annexure-4. Petitioner was issued with the Pass Certificate vide letter dtd.23.09.2025 under Annexure-4.

4.4. It is contended that after successfully qualifying the screening test under Annexure-4, Petitioner applied for provisional registration before the Odisha Council of Medical Registration, Bhubaneswar (in short, "OCMR),

Petitioner was also issued with the Provisional Certificate of Registration on 07.01.2026 under Annexure-5.

4.5. It is contended that even though Petitioner compensated the classes for the period she remained in India because of COVID-19 from 22.07.2020 to 13.11.2021 by attending physical classes in lieu of Online Classes for the period 14.11.2021 to 05.07.2022 and 15.09.2022 to 05.11.2022, so reflected in letter dtd.05.06.2023 of the Institute in question under Annexure-2 series, Petitioner could not have been directed to undergo internship for a period of 2 years i.e one year clerkship + one year CRMI, in place of one year internship only. It is further contended that vide the impugned order dtd.17.01.2026 under Annexure-6, Petitioner has been directed to undergo Internship for a period of two years; i.e. one year Clerkship + one year CRMI.

4.6. It is contended that such Internship for a period of one year CRMI in addition to 1 year clerkship was prescribed in terms of the provisions contained under

CRMI Regulations, 2021. It is however contended that such CRMI Regulations,2021 is not applicable to the case of the Petitioner in view of the provision contained under Schedule-II, Point no.2(a) of the CRMI Regulation, 2021 r/w Regulation 5(1)(b) of the National Medical Commission (Foreign Medical License)Regulation, 2021 so available under Annexuire-13 series. Para 2(a) of Schedule-II of the CRMI Regulation, 2021 reads as follows:

> *(a) All Foreign Medical Graduates, as regulated by the National Medical Commission (Foreign Medical Graduate Licentiate) Regulations, 2021, are required to undergo internship at par with Indian Medical Graduates if they desire to seek Permanent Registration to practice Medicine in India.*

4.7. Similarly, Regulation 5(1)(b) of the CRMI Regulation, 2021 reads as follows:

5(1) Not withstanding anything contained in Regulation 4, these regulation shall not be applicable

xxx xxx xxx

> *(b) to candidates who are pursuing their education in foreign institutions prior to the coming into force of these regulations' and*

xxx *xxx* *xxx*

4.8. Relying on the provisions contained under Regulation 5(1)(b) of the Regulation available under Anexure-13 series, learned counsel appearing for the Petitioner contended that since Petitioner admittedly prosecuted her M.D. course in S. Tentishev Asian Medical Institute, Kyrgyzstan for the period from 31.10.2017 to 04.07.2023 and the 2021 Regulation was only notified on 18.11.2021, provisions contained under CRMI Regulations are not applicable to the Petitioner's case.

4.9. It is accordingly contended that since CRMI Regulation, 2021 is not applicable to the case of the Petitioner, Petitioner could not have been directed to undergo one year CRMI in addition to one year Clerkship vide order dtd.17.01.2026 under Annexure-6. It is accordingly contended that since Petitioner is not covered as per the provisions contained under CRMI Regulation, 2021, Petitioner could not have been directed to undergo one year CRMI in addition to one year Clerkship so issued by the Opp. party No.2 vide the impugned order dtd.17.01.2026 under Annexure-6. It is however fairly contended that Petitioner has no objection to undergo the one year Clerkship and she is also prosecuting

the said internship in terms of the order issued under Annexure-6 on 17.01.2026, which will be over on 16.01.2027.

5. Considering the grounds of challenge made to Annexure-6, this Court vide order dtd.05.08.2026 directed learned Addl. Govt Advocate to obtain instruction on the issue.

6. However, Mr. R.C. Mohanty, learned counsel entered appearance on behalf of Opp. Party Nos.2 & 3 and filed separate affidavits so sworn by Opp. Party No.3 on behalf of Opp. Party Nos.2 & 3 and for self. Relying on the stand taken in the counter affidavit, learned counsel appearing for Opp. Party Nos.2 & 3 contended that since Petitioner because of COVID-19 Pandemic, remained in India for a period of 15 months 21 days and after deducting the duration of vacation of 4 months, the period comes down to 11 months 21 days. But in letter dtd.05.06.2023 so issued by the Institute under Annexure-2 series, Petitioner compensated the Online classes by attending physical classes for around 9 months 10 days. It is accordingly contended that since Petitioner in lieu of Online classes has not compensated the same by attending physical classes for the entire period of 11 months 21 days and the

shortfall is 2 months 11 days, in view of the notice issued by the National Medical Commission on 07.12.2023, 19.06.2024 and 18.03.2026 under Annexure-9 series and Annexure-11, Petitioner was directed to undergo two years internship i.e. one year Clerkship +1 year CRMI.

6.1. It is further contended that Petitioner is not similarly situated as like the other two doctors namely Dr. Arabinda Mohapatra and Dr. Rajat Kumar Nayak. In the case of Dr. Arabinda Mohapatra and Dr. Rajat Kumar Nayak, the net deficit is less than 2 months and in terms of the provisions contained in letter dtd.23.09.2024 under Annexure-C/2, the said short-fall was condoned and both the Doctors were allowed to undergo one year Internship. Since in the case of the Petitioner, the net deficit is around 2 months 11 days, such deficit since could not be condoned in terms of the provisions contained in letter dtd.23.09.2024 under Annexure-C/2, Petitioner vide Annexure-6 was directed to undergo 2 year Internship.

6.2. It is further contended that if the shortfall is within or equivalent to one month (30 days), the same may be

condoned, taking into account the proposal submitted by Opp. Party No.2 vide his letter dtd.06.08.2024 under Annexure-B/2, so approved by the National Medical Commission vide its letter dtd.23.09.2024 under Annexure-C/2.

6.3. Even though Dr. Arabind Mohapatra was having a deficit of one month 5 days, but by taking a lenient view of the matter and the short-fall being just above 30 days, he was allowed to undergo one year Internship. However, in the case of Dr. Rajat Kumar Nayak, his claim falls in terms of letter dtd.06.08.2024, so approved by the National Medical Commission on 23.09.2024 under Annexure-C/2, the deficit being less than 30 days.

6.4. Mr. R.C.Mohanty, learned counsel appearing for Opp. Party Nos.2 & 3 accordingly contended that since in lieu of Online classes for the duration of 11 months 21 days and as reflected in letter dtd.05.06.2023 so issued by the Institute under Annexure-2 series, Petitioner compensated 9 months 10 days and the net deficit being 2 months 11 days, Petitioner's claim is not covered, as per the letter issued by Opp. Party No.2 on 06.08.2024 under Annexure-B/2, so approved by the

National Medical Commission in his letter dtd.23.09.2024 under Annexure-C/2. It is accordingly contended that since deficit in the case of the Petitioner is more than 2 months 11 days, Petitioner has been rightly directed to undergo 2 years Internship vide the impugned order dtd.17.01.2026 under Annexure-6 of Opp. Party No.2. Contents of letter dtd.06.08.2024 under Annexure-B/2 and the approval made by the National Medical Commission in its letter dtd.23.09.2024 under Annexure-C/2 reads as follows:

> xxx xxx xxx
>
> *The internal Committee of the Odisha Council of Medical Registration (OCMR) discussed in detail regarding the public Notice in reference as above which speaks "all students who have sufficiently compensated classes in physical onsite in lieu of the online classes and subsequently passed examination equivalent to MBBS In India, shall be eligible for one year mandatory internship as specified in the CRMI Regulation 2021".*
>
> *But it is noticed that if a doctor has compensated his/her online study in offline mode as given by university falls short of a few days in comparison to Transit VISA the doctor has to do one more year of internship. The house deliberated minutely on this issue & came to a conclusion that for the future of the young doctors on humanitarian ground if this short falls is within or equivalent to one month (30 days) the same may be condoned and the doctor may be allowed to undergo 1 year of internship. OCMR has also requested for your kind guidance on this issue earlier multiple times.*
>
> *This will be strictly an one time measure and will not be a precedence for any future occasion. It is*

requested that the same may please be allowed keeping in view the bright future of the young doctors.

xxx xxx xx

"To Dated, the 23.09.2024
The Registrar,
Office of the Odisha Council of Medical Registratin,
A1, 4th Floor, Toshali Bhawan (Backside Gate),
Satyanagar, Bhubanewar-751007,
Odisha, India.
Subject:- ***Internship of FMGs regarding****.*
" I am directed to refer to your lettr No.814 dated 06.08.2024 on the subject cited above.
2. In this regard, it is to inform you that the UGMEB of NMC has no objection to the Council's proposal mentioned n the aforesaid letter and therefore necessary action may be taken accordingly.
3. This issues with the approval of Competent Authority, UGMEB."

6.5. Mr. R.C. Mohanty, learned counsel appearing for Opp. Party Nos.2 & 3 further contended that similar issue was not entertained in Writ Petition (Civil) No.607 of 2022(Archita and Others Vs. National Medical Commission & Others).

6.6. Making all these submission, learned counsel appearing for Opp. Party Nos.2 & 3 contended that Petitioner has been rightly directed to undergo 2 years internship vide order dtd.17.01.2026 under Annexure-6 and it requires no interference.

7. To the submission made by the learned counsel appearing for Opp. Party Nos.2 & 3, learned counsel appearing for the Petitioner contended that since one year Internship in the nature of one year CRMI is provided under CRMI Regulation, 2021, notified by the National Medical Commission on 18.11.2021 under Annexure-13 series is not applicable to the case of the Petitioner, Petitioner is not required to undergo one year CRMI, so directed in terms of CRMI Regulation, 2021 vide order dtd.17.01.2026.

7.1. It is also contended that even though Dr. Arabinda Mohapatra was having deficit of 1 month 5 days and in terms of letter dtd.06.08.2024 under Annexure-B/2 so approved under Annexure-C/2, such deficit equivalent to 30 days can be condoned, but Opp. Party No.2 on the face of such deficit of 1 month 5 days allowed one year Internship in favour of Dr. Arabinda Mohapatra. It is accordingly contended that since deficit of more than 30 days has been condoned in the case of Dr.Arabinda Mohapatra, Petitioner being similarly situated, is also

entitled to get the benefit of exemption in terms of letter dtd.06.08.2024 under Annexure-B/2.

7.2. However, it is vehemently contended that since CRMI Regulation, 2021 is not applicable to the Petitioner's claim, Petitioner by no stretch of imagination could have been directed to undergo one year CRMI so provided under the aforesaid Regulation.

8. Having heard learned counsel appearing for the parties and considering the submission made, this Court finds that Petitioner took admission to prosecute 6 years Degree of M.D in General Medicine in S. Tentishev Asian Medical Institute, Kyrgyzstan on 31.10.2017. The fact which is not disputed, Petitioner because of COVID-19, came back to India on 22.07.2020 and left for Kyrgyzstan to attend the Institute on 13.11.2021. Accordingly, Petitioner remained out of the Institute for a total duration of 15 months 21 days.

8.1. But the said deficiency was duly compensated by the Petitioner by attending the classes in physical mode for a duration of 9 months 10 days so reflected in letter

dtd.05.06.2023 of the Institute under Annexure-2 series. Basing on such Certificate issued by the Institute on 05.06.2023 under Annexure-2 and the pass certificate issued by the Institute under Annexure-3, Petitioner was allowed to take the screening test so conducted by the National Board of Examination in Medical Sciences. Petitioner as found from Annexure-4 qualified the screening test and thereafter was provisionally registered by Opp. Party No.2 on 07.01.2026.

8.2. As found, Petitioner while being given a posting in SRM Medical College and Hospital, Bhawanipatna vide order dtd.17.01.2026 under Annexure-6, was directed to undergo 2 year Internship, i.e. one year Clerkship + one year CRMI.

8.3. As found, Internship of one year CRMI is prescribed under CRMI Regulation, 2021 so notified by the National Medical Commission on 18.11.2021 under Annexure-13 series. As provided under Regulation 5(1)(b) of the Regulation, the Regulation is not applicable to the candidates, who are pursuing their education prior to

coming into force of those Regulations. The fact which is not disputed Petitioner took admission to prosecute M.D in Medicine on 31.10.2017. Therefore, in view of the provisions contained under Para-5(1)(b) of the 2021 Regulation, the said Regulation is not applicable to the Petitioner's case. Therefore, it is the view of this Court that direction issued to the Petitioner to undergo one year CRMI in addition to one year Clerkship vide the impugned order dtd.17.01.2026 under Annexure-6, is not tenable in the eye of law.

8.4. It is also the view of this Court that for the period Petitioner remained in India because of COVID-19 from 22.07.2020 to 13.11.2021, was duly compensated by attending the classes in physical mode in lieu of Online classesfor a duration of 9 months 10 days, so reflected in letter dtd.05.06.2023 of the Institute under Annexure-2 series. Since Petitioner, as per the Institute norm, compensated the classes in physical mode, in lieu of Online classes, the calculation made by Opp. Party Nos.2 & 3 that the shortfall is around 2 months 11 days and

accordingly it cannot be condoned in terms of Annexure-B/2, so approved under Annexure-C/2, is not acceptable.

8.5. Since Petitioner has duly compensated for the period she remained in India because of COVID-19 by attending physical classes, so reflected in the Certificate issued on 05.06.2023, the same cannot be disputed after allowing the Petitioner to take the screening test so conducted by the National Medical Commission under Annexure-4 with provisional Registration being issued by Opp. Party No.2 under Annexure-5.

8.6. It is therefore the view of this Court that the short-fall indicated in the counter is without any reason and basis on the face of the letter issued by the Institute on 05.06.2023 under Annexure-2 series. It is also the view of this Court that since delay of more than 30 days in terms of letter dtd.06.08.2024 under Annexure-B/2, has been condoned in the case of Dr. Arabinda Mohapatra, Petitioner being similarly situated is also entitled to get the benefit of exemption.

8.7. In view of the aforesaid analysis, this Court is inclined to interfere with the direction contained in order dtd.17.01.2026 under Annexure-6, so issued by Opp. Party No.2, so far as undergoing Internship of one year CRMI is concerned. This Court while so interfering accordingly held the Petitioner liable to undergo one year Internship in place of two years so reflected in the impugned order dtd.17.01.2026 under Annexure-6. This Court accordingly directs Opp. Party Nos.2 & 3 to allow the Petitioner to undergo the Internship for a period of one year in place of 2 years.

9. With the aforesaid observation and direction, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 4th November, 2026/Sangita

Signature Not Verified
Digitally Signed
Signed by: SANGITA PATRA
Reason: authenticaton of order
Location: high court of orissa, cuttack
Date: 04-Nov-2026 16:29:16