

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

W.P.(C).No.22904 of 2010 (K)

PETITIONER(S):-

SINDHUL KRISHNAN.C.V., S/O. UNNIKRISHNAN,
"DWARAKA", NCC NAGAR ROAD,
PEROORKAD, V V NAGAR, TRIVANDRUM.

BY ADV. SRI.A.AHZAR.

RESPONDENT(S):-

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1. UNION OF INDIA,
REPRESENTED BY PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT, NEW DELHI.
 2. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.
 3. TRAVANCORE-COCHIN MEDICAL COUNSELS,
REPRESENTED BY REGISTRAR, RED CROSS ROAD,
THIRUVANANTHAPURAM.

R1 BY ASST. SOLICITOR GENERAL OF INDIA SRI.N.NAGARESH.

R2 BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN.

R3 BY STANDING COUNSEL SRI.N.RAGHURAJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF CERTIFICATE OF REGISTRATION.
- EXT.P2 TRUE COPY OF THE CERTIFICATE OF BACHELOR OF
ALTERNATIVE SYSTEM OF MEDICINES.
- EXT.P3 TRUE COPY OF STATEMENT OF MARKS FOR THE
EXAMINATIONS CONDUCTED FOR THE YEAR 2007.
- EXT.P4 TRUE COPY OF STATEMENT OF MARKS FOR THE
EXAMINATIONS CONDUCTED FOR THE YEAR 2008.
- EXT.P5 TRUE COPY OF THE REQUEST FILED BEFORE THE
2ND RESPONDENT.
- EXT.P6 TRUE COPY OF INFORMATION GIVEN BY PUBLIC
INFORMATION OFFICER OF TRAVANCORE COCHIN
MEDICAL COUNCILS.

RESPONDENT'S EXHIBITS:-

- EXT.R2(a) TRUE COPY OF THE ORDER NO.R-14015/25/96/U&H(R)(PE)
DATED 25.11.2003.
- EXT.R3(a) TRUE PHOTOCOPY OF THE ORDER DATED 25.11.2003.
- EXT.R3(b) TRUE PHOTOCOPY OF THE LETTER BEARING
NO.MCI-207(1)/2001-REGN./3412 DATED 11.05.2001.

vkul/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.22904 of 2010-K

Dated this the 01st day of July, 2015

JUDGMENT

The petitioner is said to have passed the two year BAMS (AM) course in II Division in the Alternative Medical System conducted by the Indian Board of Alternative Medicines Kolkatta. The petitioner is aggrieved by the respondents not permitting the petitioner to practice as a Medical Practitioner State of Kerala.

2. The Registrar of the 3rd respondent-Council has filed a counter affidavit. The 3rd respondent is a Council constituted under the provisions of the Travancore-Cochin Medical Practitioners' Act, 1953 [for brevity "the State Act"]. The 3rd respondent-Council regulates the function of the branch of Indigenous Medicine within the State, comprising of Ayurveda, Sidha and Unani-Tibbi. The Alternative Medical course, which the petitioner is said to have qualified, is asserted to be not falling within the scope and ambit of either the State Act or the Indian Medicine Central Council Act, 1970 [for brevity "the Central Act"].

3. The Ministry of Health and Family Welfare under the 1st respondent has considered the question of granting recognition to various streams of alternative systems of medicine practised and propagated in the country by constituting a Committee of experts under the Chairmanship of the Director General, Indian Council of Medical Research. The report submitted by the Expert Committee recommended recognition of only the traditional systems of medicines as also recommended certain other branches as modes of therapy, but not as a full-fledged medical treatment system.

4. The Committee's recommendations, on which the Government of India had issued Exhibit R3(a) Circular, had also regulated the use of the title "Doctor". The 3rd respondent submits that, no branch called "Alternative Medicine" has been recognised in India and there is also no Board of Alternative Medicine which is recognised by a Central statute or a State statute. The Indian Board of Alternative Medicine, Kolkatta is said to be a Society registered under the Societies Registration Act, 1860, which

has no recognition of the Central Government or the State Government. The certificate produced by the petitioner is said to have no validity and there being no recognised system of Alternative Medicine, there can be no direction issued in the above writ petition. This Court does not find any reason to interfere with the orders impugned in the writ petition.

The writ petition would stand dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]