

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 29673 of 2008 (G)

PETITIONER(S) :

1. DR.U.KRISHNAKUMAR MEDICAL OFFICER,
SREE VIDYADHIRAJA HOMOEOPATHIC MEDICAL
COLLEGE AND HOSPITAL, NEMOM, TRIVANDRUM- 20.
2. DR.V.KRISHNAKUMAR, MEDICAL OFFICER,
SREE VIDYADHIRAJA HOMOEOPATHIC MEDICAL
COLLEGE AND HOSPITAL, NEMONM, TRIVANDRUM- 20.
3. DR.P.UMAYAMMA, MEDICAL OFFICER,
SREE VIDYADHIRAJA HOMOEOPATHIC MEDICAL
COLLEGE AND HOSPITAL, NEMOM, TRIVANDRUM- 20.
4. DR.SINI.S.DAS MEDICAL OFFICER,
SREE VIDYADHIRAJA HOMOEOPATHIC MEDICAL
COLLEGE AND HOSPITAL, NEMOM, TRIVANDRUM-20.

BY SRI.K.JAJU BABU (SENIOR ADVOCATE)
ADVS. SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN
SRI.S.P.PARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND

RESPONDENT(S) :

1. STATE OF KERALA, REPRESENTED BY SECRETARY
TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.
2. THE PRINCIPAL AND CONTROLLING OFFICER,
GOVERNMENT HOMOEOPATHIC MEDICAL COLLEGE,
IRANIMUTTOM, TRIVANDRUM-9.
3. CENTRAL COUNCIL OF HOMOEOPATHY,
JAWAHARLAL NEHRU BHARTIYA CHIKITSA AVUM HOMOEOPATHY,
ANUSANDHAN BHAVAN NO.61-65, INSTITUTIONAL AREA, OPP.D. BLOCK,
NEW DELHI-110 058, REP.BY ITS SECRETARY.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.S.MANILAL
R3 BY ADV. SRI.N.NAGARESH, A.S.G OF INDIA
R3 BY ADV. SRI.CHERIAN VARGHESE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-03-2015, ALONG WITH W.P.(C).NO.14983 OF 2014, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF ORDER NO.SVRHMC/NO.204/2003 DATED 11.08.2003
ISSUED BY THE SREE VIDYADHIRAJA VIDHYA SAMAJAM, TRIVANDRUM
- EXT.P2: TRUE COPY OF ORDER NO.SVRHMC/NO.201/2003 DATED 11.08.2003
ISSUED BY THE SREE VIDYADHIRAJA VIDHYA SAMAJAM, TRIVANDRUM
- EXT.P3: TRUE COPY OF ORDER NO.SVRHMC/NO.203/2003 DATED 11.08.2003
ISSUED BY THE SREE VIDYADHIRAJA VIDHYA SAMAJAM, TRIVANDRUM
- EXT.P4: TRUE COPY OF ORDER NO.SVRHMC/NO.202/2003 DATED 11.08.2003
ISSUED BY THE SREE VIDYADHIRAJA VIDHYA SAMAJAM, TRIVANDRUM
- EXT.P5: TRUE COPY OF ORDER NO.G.O.(MS)NO.184/03/H&FWD
DATED 03.09.2003 ISSUED BY THE 1ST RESPONDENT.
- EXT.P6: TRUE COPY OF COMMUNICATION NO.SVRHMC/2006/731
DATED 16.06.2006 ISSUED BY THE SREE VIDYADHIRAJA
HOMOEOPATHIC MEDICAL COLLEGE, TRIVANDRUM.
- EXT.P7: TRUE COPY OF G.O.(MS)NO.203/2006/ H&FWD DATED 22.09.2006
ISSUED BY THE 1ST RESPONDENT.
- EXT.P8: TRUE COPY OF G.O.(MS)NO.246/2006/H&FWD DATED 18.11.2006
ISSUED BY THE 1ST RESPONDENT.
- EXT.P9: TRUE COPY OF SENIORITY LIST OF TEACHING AND NON TEACHING
STAFF OF SREE VIDYADHIRAJA HOMOEOPATHIC MEDICAL COLLEGE, TVM
ALONG WITH COVERING LETTER NO.2214/F/06/GHMCT
DATED 06.06.2007.
- EXT.P10: TRUE COPY OF RELEVANT EXTRACT OF REPORTS RELATING TO
HOMOEOPATHY FOR SETTING UP A UNIVERSITY FOR AYUSH IN
KERALA.
- EXT.P11: TRUE COPY OF G.O.(P)NO.120/06/H&FWD DATED 06.07.2006 ISSUED
BY THE 1ST RESPONDENT.
- EXT.P12: TRUE COPY OF REPRESENTATION DATED 31.01.2008 SUBMITTED BY
THE 1ST PETITIONER BEFORE THE HON'BLE MINISTER FOR HEALTH.
- EXT.P13: TRUE COPY OF G.P.(MS)NO.346/08/H&FWD DATED 09.07.2008 ISSUED
BY THE 1ST RESPONDENT.
- EXT.P14: TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 16.07.2008.
- EXT.P15: TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE HON'BLE MINISTER FOR HEALTH ON 17.08.2008.
- EXT.P16: TRUE COPY OF G.O.(MS)NO.376/2009/H&FWD DATED 30.10.2009
ISSUED BY THE 1ST RESPONDENT.

- EXT.P17: TRUE COPY OF LETTER NO.14-13/2010-CCH DATED 06.08.2010 ISSUED BY THE 3RD RESPONDENT.**
- EXT.P18: TRUE COPY OF G.O(MS)NO.137.2011/H&FWD DATED 26.02.2011 ISSUED BY THE 1ST RESPONDENT.**
- EXT.P19: COPY OF THE LETTER NO.29579/J2/08/H&FWD DATED 28.10.2008 ISSUED BY THE 1ST RESPONDENT.**
- EXT.P20: COPY OF THE ORDER NO.SVVS 53/10 DATED 17.06.2010 ISSUED BY SECRETARY, SHREE VIDYADHIRAJA VIDYA SAMAJAM, THIRUVANANTHAPURAM.**
- EXT.P21: COPY OF G.O.(MS)NO.185/2012/H&FWD DATED 18.06.2012 ISSUED BY THE 1ST RESPONDENT.**

RESPONDENT(S)' ANNEXURES & EXHIBITS

- ANNEXURE R3(A): TRUE COPY OF THE REGULATION 10(ANNEXURE -'D') OF HOMOEOPATHY (MINIMUM STANDARDS OF EDUCATION) REGULATIONS, 1983 (AS AMENDED IN 2002).**
- EXHIBIT R2(A): TRUE COPY OF THE ORDER G.O.(MS)NO.376/2009/H&FWD DATED 30.10.2009.**
- EXHIBIT R2(B): TRUE COPY OF THE ORDER DATED 16.04.2010.**

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) Nos.29673/2008 & 14983/2014

Dated this the 18th day of March, 2015

JUDGMENT

These writ petitions are relating to the service of the Shree Vidyadhiraja Homoeopathic Medical College, Thiruvananthapuram. The petitioners in W.P.(C) No.29673/2008 seek disbursal of salary. W.P.(C) No.14983/2014 also seeks disbursal of salary.

2. This Court in another set of batch of writ petitions directed the Government to consider the staff pattern based on the Central Homeopathy Council Regulations. However, as against the claim of the writ petitioner in W.P.(C) No.14983/2014, there is serious challenge regarding appointment by the Manager. Therefore, her claim also has to be considered by the Government based on the relevant records. The Principal and Controlling Officer of the Sree

Vidyadhiraja Homoeopathic Medical College shall provide relevant records relating to the petitioner in W.P.(C) No.14983/2014. The petitioner therein shall also be heard in the matter along with the Manager. The Government shall take a decision in the light of the directions of this Court in the batch cases and also adverting to the rival claimants of the parties within a period of four months from the date of receipt of a copy of this judgment.

These writ petitions are disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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