

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39631 of 2015 (D)

PETITIONER:

DR.SAILAJA T. AGED 48 YEARS,
SAILAJA MANDIRAM, THIRKKANNAMANGALAM, KOTTARAKKARA
KOLLAM DISTRICT.

BY ADVS.SRI.S.S.RAJESH
SRI.D.SHAJI

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
HEALTH AND FAMILY WELFARE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHPAURAM-695 001.
2. THE CENTRAL COUNCIL OF HOMOEOPATHY,
REPRESENTED BY ITS SECRETARY, 10- COMMUNITY CENTRE
BASANI LOK, VASANT VIHAR, NEW DELHI-110 057.
3. THE SECRETARY
AYUSH, MINISTRY OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF INDIA, MH DIVISION, NIRMAN BAHVAN
NEW DELHI-110 057
4. THE REGISTRAR
TRAVANCORE COCHIN MEDICAL COUNCIL
NEAT GENERAL HOSPITAL, THIRUVANANTHPAURAM-695 001.
5. THE DIRECTOR GENERAL OF POLICE
OFFICE OF THE DIRECTOR GENERAL OF POLICE
THIRUVANANTHPAURAM-695 001.
6. THE DISTRICT COLLECTOR
OFFICE OF THE COLLECTOR, KOLLAM-695 005.
7. THE DISTRICT MEDICAL OFFICER
KOLLAM-695 005.

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
BY SRI.N.RAGHURAJ, SC, TCMC & KNMC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1.A TRUE COPY OF THE CERTIFICATE ISSUED BY THE BOARD OF
GOVERNMENT EXAMINATIONS IN HOMOEOPATHY MEDICINE AND SURGERY
DATED 1/12/1993.

EXT.P2.A TRUE COPY OF THE REGN. CERTIFICATE UNDER THE TRAVANCORE
COCHIN MEDICAL PRACTITIONER'S ACT DATED 7//6/1993.

EXT.P3.A TRUE COPY OF THE REPRESENTATION ATED 1/2/2013.

EXT.P4.A TRUE COPY OF THE JUDGMENT IN WPC NO.26583/2011 DATED
20/10/2011.

EXT.P5.A TRUE COPY OF THE JUDGMENT DATED 29/1/2015 IN WPC
NO.1540/2015.

EXT.P6.A TRUE COPY OF THE ABSTRACT OF G.O.NO.1244/88/BHAM DATED
9/5/1988

EXT.P7.A TRUE COPY OF THE CIRCULAR DATED 19/2/2014 ISSUED BY
MINISTRY OF HEALTH AND FAMILY WEFARE.

EXT.P8.A TRUE COPY OF THE LIST OF ESSENTIAL DRUGS ISSUED BY THE STTE
OF KEALA VIDE ORDER NO.GO(RT) NO.1856/2014 H & FWD DATED TVM
5/6/2014.

EXT.P9.A TRUE COPY OF THE JUDGMENT IN WPC NO.29624/2006 DATED
23/7/2009.

EXT.P10.A TRUE COPY OF THE CITATION OF SREEDHARAN VS. KERALA STATE

EXT.P11.A TRUE COPY OF THE EXEMPTION GRANTED BY THE KERALA STATE
GOVERNMENT

EXT.P12.A TRUE COPY OF THE REPRESENTATION DATED 11/9/2015.

RESPONDENT'S EXHIBITS:NIL

//TRUE COPY//

PA TO JUDGE

rsr

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 39631 of 2015

Dated this the 23rd day of December, 2015

J U D G M E N T

The petitioner claims that she is a practicing Homoeopathy Doctor. She approached the 1st respondent as per Ext.P12 representation, permitting her to practice modern medicine by granting exemption under Section 38 of Travancore Cochin Medical Practitioner's Act, 1953.

2. This Court is of the view that if Ext.P12 has not been disposed of so far, the same shall be considered within a period of three months from the date of receipt of a copy of this judgment after notice to the petitioner.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE

jm/