

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.34450 of 2014

S.Arivazhagan
District Secretary, Student's
Federation of India,
Villupuram District Committee,
Villupuram.

...Petitioner

-vs-

1. The Tamil Nadu Dr.M.G.R. Medical University,
Rep. by its Registrar,
No.69, Anna Salai, Guindy, Chennai -32.
2. Central Council for Research Yoga and Naturopathy,
Govt. of India,
Ministry of Health and Family Welfare Dept.,
No.61-65, Pankha Road,
Janakpuri, New Delhi - 110 058.
3. Government of Tamil Nadu,
Dept. Of Ministry of Health and Family Welfare,
Rep. by its Secretary,
Fort St. George, Chennai-9.
4. S.V.S. Medical College of Yoga and
Naturopathy and Research Institute,
Rep. by its Principal, Bhangaram,
Kallakurichi Taluk, Thottium Post,
Villupuram District-606 202.

...Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus to direct the 1st respondent
University to cancel the affiliation of the 4th respondent College,
direct the 2nd respondent to cancel the recognition of the 4th
respondent College and further direct the 3rd respondent to cancel

the approval of the 4th respondent College to run the Bachelor or Naturopathy and Yogic Sciences Course and consequently direct the 4th respondent to issue Transfer Certificate SSLC Mark Statement HSC Mark Statement Community Certificate etc., direct the 4th respondent to refund the fees direct the 1st respondent University to accommodate the students in any of the recognized college to continue their course in Bachelor of Naturopathy and Yogic Sciences (BNYS) in respect of the students whose details are given in the typed set of documents within the time frame stipulated by this Court.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.Sanjai Ramasamy for R-1

Mr.A.Kalaivanan, SPC, for R-2

Mr.S.T.S.Moorthy,
Govt. Pleader for R-3

Mr.K.Balakrishnan for R-4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

We have perused the counter-affidavit of the first respondent. What emerges is that periodic inspections have been carried out to verify the level of infrastructure and the teaching faculty. Whenever deficiencies have been found, directions have been issued. The issue qua the post of Principal is also sorted out, as the qualified person has now joined. It is only on satisfaction of the requirements that there has been grant of continuance of affiliation.

2.Learned counsel for the first respondent states that in so far as the academic year 2015-16 is concerned, the inspection is yet to be carried out and the needful is expected to be done within one month period of time.

3.On the other hand, learned counsel for the petitioner submits that the fulfillment of all requirements starting from the inception of the institute should be placed before the Court and the petitioner should be permitted to verify the same.

4.We are not inclined to follow the aforesaid course of action at the behest of the petitioner, the District Secretary of the Student Federation of India, which would amount to acting as an

appellate authority over the requirements, which are really to be looked into by the first respondent. It is the satisfaction of the first respondent, which is necessary.

5.We are, thus, of the view that the only aspect to be ensured is that the first respondent carries out the periodic inspections and wherever deficiencies are found, directions are issued to rectify the deficiencies.

6.The inspection to be carried out as aforesaid within four (4) weeks qua academic year 2015-16 and result of the same be placed before the Court through an affidavit of compliance.

7.Writ Petition, accordingly, stands disposed of. No costs.

8.List for compliance on 07.08.2015.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Registrar, Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai, Guindy, Chennai.
 2. Central Council for Research Yoga and Naturopathy,
Govt. of India, Ministry of Health and Family Welfare Dept.,
No.61-65, Pankha Road, Janakpuri, New Delhi.
 3. The Secretary, Govt. of Tamil Nadu,
Dept. of Ministry of Health and Family Welfare,
Fort St. George, Chennai.
 4. The Section Officer, Writ Section,
High Court, Madras. (For watching report)
- 1 CC to the Government Pleader, SR.No. 30450

W.P.No.34450 of 2014

CNR (CO)
PSI (01.07.2015)