

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.08.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.549 of 2013

M.Palanimuthu

... Petitioner

Versus

1.The Secretary to Government
Department of Health and Family Welfare
Government of Tamilnadu, Chennai 600 009.

2.The Secretary to Government
Department of Adi Dravidar Welfare,
Government of Tamilnadu,
Chennai 600 009.

3. The Secretary to Government,
Department of BC & MBC Welfare,
Government of Tamil Nadu, Chennai 600 009.

4.The Secretary to Government,
Department of Tamil Development,
Government of Tamilnadu, Chennai 600 009.

5.The Secretary,
Tamilnadu Public Service Commission,
Brazer Bridge Road, VOC Nagar,
Park Town, Chennai 600 003.

6.The Commissioner
Department of Indian Medicine and Homeopathy
Government of Tamilnadu
Arumbakkam, Chennai 600 104.

7.Bibi Akila
(R.7 impleaded as per order
dated 06.09.2013 by ACJ and MSNJ in
M.P.No.2 of 2013 in W.P.No.549 of 2013)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari, calling for the records of G.O.Ms.No.307 dated 28.11.2011, issued by the

Department of Health and Family Welfare, Government of Tamil Nadu and quash the same.

For Petitioner ::: M.Palanimuthu

(Party-in-Person)

For Respondents::: Mr.M.K.Subramanian

Government Pleader for R.1 to R.4 & R.6

Mr.CNG.Niraimathi for R.5

Mrs.Geetha Ramasekar for R.7

O R D E R

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

The petitioner seeks to lay a challenge to G.O.Ms.No.307 dated 28.11.2011, issued by the Department of Health and Family Welfare, Government of Tamil Nadu.

2. The controversy in a nutshell is that in the process of spreading Unani System of Medicine, Government funding is provided, but candidates are not available from the reserved category. It is the case of the petitioner that the reason for the same is absence of knowledge of Urdu in the Most Backward Community, Scheduled Castes and Scheduled Tribes Community, and the solution to this is the translation of Unani Medicine Text Books from Urdu to Tamil. That the State Government is conscious of this fact is obvious from G.O.Ms.No.830, Health and Family Welfare Department dated 15.07.1997 issued for taking steps to translate Unani Text Books from Urdu to Tamil by constituting a panel of translators. However, there is no doubt that the pace of such translation has been slow, as it is obvious from nine years period of time, an aspect emphasised by the petitioner, party-in-person.

3. One of the issues brought before this Court by the respondents is that there is lack of availability of requisite translators from Urdu to Tamil, and in some cases, the authors are not agreeable to grant copyright permission for such translation. It is these aspects which are stated to be hampering the translation work.

4. We are dealing with the subject of medicine, and thus, certainly due care has to be taken about the accuracy of translation. Unless persons are properly educated, the repercussion is on the patients. In order to facilitate translation, appropriate quality of translators having knowledge of both Urdu and Tamil is necessary. It appears that there is shortage in this behalf. The State Government states that it is

making an endeavour and we expect a continued endeavour to be made on an urgent basis.

5. Insofar as the aspect of reservation of seats is concerned, it has been pointed out that the Government has not de-reserved the vacancies, but when no eligible candidates are available, candidates from other communities are taken. This is so, as otherwise patients desiring of treatment through Unani Medical facilities would be deprived of the same.

6. The writ petitioner did suggest that the vacancy should be kept vacant in order to put some pressure on the State Government to carry out the translations at the earliest, but we do not think that it would be a feasible course of action, as it would only deprive the patients of an alternative system of medicine.

7. We, thus, while taking the stand of the State Government on record, expect the State Government to take expeditious steps as may be possible to have accurate translation of Urdu Unani Text Books into Tamil so as to facilitate candidates from the reserved communities to avail of its benefits.

8. We may also note the submission of the learned counsel for the petitioner that G.O.Ms.No.145 of Personnel and Administrative Reforms (S) Department dated 30.09.2010 envisages filling up of 20% of vacancies in the direct recruitment method on a preferential basis to persons who studied in Tamil Medium. It is pleaded that the two G.Os have contradictions.

9. We are unable to accept this plea for the reason that if only books in this subject are available in Tamil, could there be an issue raised of filling up of certain vacancies on the basis of Tamil Medium Education.

10. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs.

ksr

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
Department of Health and Family Welfare
Government of Tamilnadu, Chennai 600 009.

2.The Secretary to Government,
Department of Adi Dravidar Welfare,
Government of Tamilnadu, Chennai 600 009.

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Government of Tamil Nadu, Chennai 600 009.

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Department of Tamil Development,
Government of Tamilnadu, Chennai 600 009.

5.The Secretary, Tamilnadu Public Service Commission,
Brazer Bridge Road, VOC Nagar,
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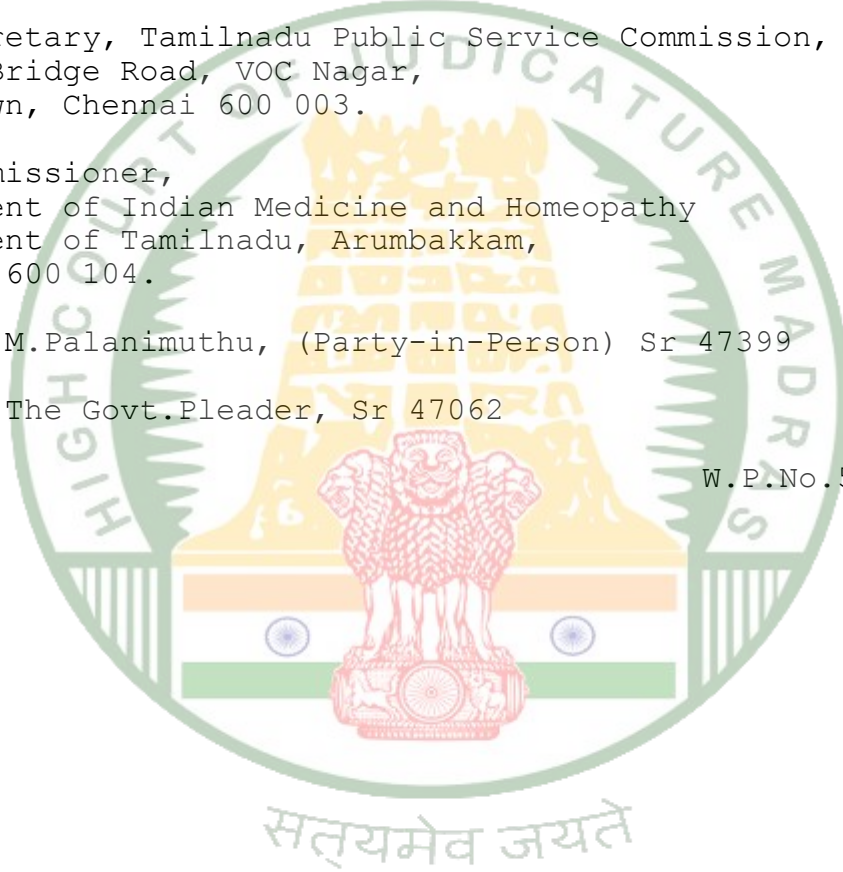
6.The Commissioner,
Department of Indian Medicine and Homeopathy
Government of Tamilnadu, Arumbakkam,
Chennai 600 104.

+ 1 cc to M.Palanimuthu, (Party-in-Person) Sr 47399

+ 1 cc to The Govt.Pleader, Sr 47062

KR/2/9/16

W.P.No.549 of 2013



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