

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23437/2016 & WMP.No.20118/2016

Dr.R.Veeracholan

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Petitioner

Versus

- 1.The Secretary
Union of India
Ministry of Health & Family Welfare
[Department of Ayush], Indian Red
Cross Society Building, Red Cross
Road, New Delhi 110001.
 - 2.The Secretary and Registrar,
Tamil Nadu Dr.MGR Medical University
No.69, Anna Salai, Guindy,
Chennai 600 032.
 - 3.The Registrar,
Tamil Nadu Board of Indian Medicine
Central Council Office, Arumbakkam,
Chennai 600 106.
 - 4.The Returning Officer
Central Council of Indian Medicine [Election]
Additional Secretary to Government of
Tamilnadu, Health & Family Welfare
Department, Secretariat, Fort St
George, Chennai 600 009.
 - 5.The Secretary
Central Council of Indian Medicine
61-65, Institutional Area, Opp.D-Block
Janakpuri, New Delhi 110058.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to notify the petitioner's election to the Central Council of Indian Medicine [Ayurveda/Unani] for the State of Tamil Nadu-2015 in the Official Gazette.

For Petitioner : Mr.CT.Murugappan

For Respondents: Mr.B.Ramarathinam, CGSC for R1
Mr.Harihara Arum Somasankar for R2
Mrs.P.Rajalakshmi, GA for RR3 and 4

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that he contested to the post of Member to the Central Council of Indian Medicine [Ayurveda/Unani] for the State of Tamil Nadu-2015 and according to him, Dr.G.Kamalahasan, Dr.K.M.Senthamizhselvan and Dr.S.Sowrirajan, had also contested the said election. One of the contestants, viz., Dr.G.Kamalahasan had filed WP.No.18018 and 18024/2015 praying for the quashment of the election process and this Court, vide interim order dated 24.06.2015 made in MP.No.2/2015 in WP.No.18018/2015 & MP.No.1/2015 in WP.No.18024/2015, had permitted the election process to go on and also indicated that the declaration of the results and assumption of office by the office bearers, is subject to the result of the said writ petitions. WP.No.18018/2015 came to be disposed of finally on 22.09.2015 by this Court, directing the petitioner therein, viz., Dr.G.Kamalahasan, to make a request to the Central Government, seeking to exercise Rule 27 read with 4[2] of the Indian Medicine Central Council [Election] Rules, 1975, and the Central Government was directed to dispose of the same within a stipulated time. According to the petitioner, despite the said direction, Dr.G.Kamalahasan has failed to approach the 1st respondent and though he was declared to be elected to the post of Member, he is not able to assume office. In this regard, the petitioner has submitted a detailed representation dated 20.11.2015, followed by a reminder dated 30.05.2016 to the respondents and since no response is forthcoming, the petitioner came forward to file this writ petition.

3 Heard Mr.CT.Murugappan, learned counsel for the petitioner ; Mr.B.Ramarathinam, learned Central Government Standing Counsel who accepts notice on behalf of the 1st respondent ; Mr.Harihara Arun Somashankar, learned counsel who accepts notice on behalf of the 2nd respondent and Mrs.P.Rajalakshmi, learned Government Advocate who accepts notice on behalf of the respondents 3 and 4.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the petitioner to submit one more representation to the 1st respondent along with a copy of this order as well as

copies of the earlier representation and reminder, within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law, after putting on notice, the person/s concerned and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the person/s concerned.

5 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Secretary
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[Department of Ayush], Indian Red
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Department, Secretariat, Fort St
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5.The Secretary

Central Council of Indian Medicine
61-65, Institutional Area, Opp.D-Block
Janakpuri, New Delhi 110058.

1 cc to The Government Pleader, sr.38527
1 cc to M/s.B.Ramaratnam, Advocate, sr.28243
1 cc to M/s.C.T.Murugappan, Advocate, sr.38346

WP.No.23437/2016

ppa co
kra 26.07.2016



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