

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 38388 of 2016

and

W.M.P. No. 32877 and 32878 of 2016

Dr. V. Sundara Rajan

.. Petitioner

Versus

1. Union of India
represented by its Secretary
Ministry of Health & Family Welfare
Nirman Bhavan, New Delhi
2. Government of Tamil Nadu
rep. by its Secretary
Health and Family Welfare
Fort St. George
Chennai - 600 009
3. NHEM of India
rep. by its Secretary Dr. N.K. Aswathy
New Delhi - 110 068
4. The Joint Director
Rural and Medical Health Sciences
Thiruvalluvar District
5. The District Collector
Thiruvallur District
Thiruvallur

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the proceedings Na.Ka.No.3796/Ni2/2016 dated 04.10.2016 issued by the fourth respondent and quash the same and consequently direct the respondents not to interfere with the petitioner's right to practice Electropathy/Electro Homeopathy in terms of the first respondent's letter dated 05.05.2010.

For Petitioner :Mr. N.G.R. Prasad
for M/s. Row & Reddy
For Respondent :Mr. T.L. Thirumalaisamy
Central Government Standing Counsel for RR1&3

Mr. A. Kumar
Special Government Pleader for RR2, 4 and 5

ORDER

By the order dated 04.10.2016 of the fourth respondent, which is impugned in this writ petition, the fourth respondent rejected the request made by the petitioner to practice Electropathy/Electro Homeopathy inasmuch as he has not registered the qualification said to have been possessed by him in Ayurveda or Physiotherapy with Dr. MGR Medical University or any other recognised medical University.

2. Heard the counsel on either side. When the writ petition is taken up for hearing, the learned counsel appearing for the respondents 1 and 3 has produced a copy of the written instructions received by him on 08.11.2016 from the third respondent wherein it is stated as follows:-

"1. Order/Policy decision of Ministry of Health & F.W., Government of India dated 05.05.2010 pertains that ".....in accordance with orders of the High Court & Supreme Court quoted here, there is no proposal to stop the petitioners from practicing in Electropathy or imparting education. Once the legislation to recognise new system of medicines is enacted, any practice or education would be regulated in accordance with the said Act.

2. Central Government i.e., Ministry of Health & Family Welfare, Government of India has already submitted a counter affidavit before the Honourable Supreme Court of India in the matter of SLPs 23572/2009 and 29919/2011 on 28.08.2012 that issue relating to alternative system of medicine has already been considered and disposed of by the Honourable Supreme Court and process of legislation is in progress. Till such time, education and practice of Alternative System of Medicine other than those already recognised, is not barred.

3. While disposing of above SLPs, Hon'ble Supreme Court of India ordered that in view of the Counter Affidavit filed by the Union of India to the effect that there is no ban on the medical practice of Electro Homeopathy.... It is also submitted that the Circular dated 5th May, 2010 is

also on similar lines.

4. The Joint Director of Health Department, Vellore (T.N.) has already clarified through RTI dated 18.10.2016 to Mr. V. Sundararajan i.e., the petitioner that Ministry of Health and Family Welfare, Government of India order No.V.25011/276/2009-HR dated 05.05.2010 ordered that every State in India can rightfully practice Electro Homeopathy Medicine (BEMS) without hindrance. Hence there is no need to take permission from Joint Director of Health, Vellore District to practice Electropathy in Tamil Nadu (copy enclosed)."

3. In the light of the above statement made by the third respondent, this Court is of the view that no further orders is required to be passed in this writ petition. Accordingly, by recording the statement made by the third respondent in the letter dated 08.11.2016 addressed to the counsel for the respondents 1 and 3, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary
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3. The Secretary Dr. N.K. Aswathy
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Thiruvalluvar District

5. The District Collector
Thiruvallur District
Thiruvallur

+1 CC to M/s. Row & Reddy, Advocate sr 69825
+1 CC to Govt. Pleader sr 70082
+1 CC to Mr.T.L. Thirumalaisamy sr 69542

WP No. 38388 of 2016

KJ(CO)
sp/1/2



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