

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.43582 of 2016

and

W.M.P.Nos.37409 & 37410 of 2016

L.Noelraj

.. Petitioner

-vs-

- 1.Returning Officer/Additional Secretary to Government,
Health & Family Welfare Department,
4th Floor, Namakkal Kavignar Maligai,
Secretariat, Fort St. George,
Chennai-9.
- 2.Union of India,
rep. by its Secretary to Government,
Ministry of Ayush, Ayush Bhavan, B Block,
GPO Complex, INA, New Delhi-110 023.
- 3.The Secretary,
Central Council of Indian Medicine,
Jawaharlal Nehru Bhartiya Chikista Avam,
Homoeopathy, Anusandhan Bhawan,
61-65, Institutional Area, Janakpuri,
New Delhi-110 058.
- 4.The Central Bureau of Investigation,
Anti-Corruption Branch, 1st Floor, 5-B,
CGO Complex, Lodhi Road,
New Delhi.
- 5.The Chief Vigilance Officer,
Ministry of Health & Family Welfare,
Government of India, Room No.146, 'A' Wing,
Nirman Bhavan,
New Delhi-110 011.
- 6.Dr.K.Samuel

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Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records on the file of the first respondent relating election notice to the election of State Member (Ayurveda & Unani) to the Central Council of Indian Medicine dated NIL and quash the same.

For Petitioners	:	Mr.J.Bharathiraja
For Respondents	:	Mr.M.K.Subramanian Govt. Pleader for R1 Mr.Su.Srinivasan Asst. Solicitor General for R2 to R4

ORDER

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

The endeavour through the present petition styled as public interest litigation is to seek a preventive order against respondent No.7 from contesting the elections to the Central Council of Indian Medicine. The petitioner claims to be the National Secretary of Kamaraj Foundation of India, which is a social-cultural organisation.

2. On our query as to how in an election process to the Council would the petitioner intervene, the learned counsel for the petitioner states that the petitioner may go for treatment of Doctors who may be graduating from Medical Schools, over which the Council would have control, and in her previous stint as President, the Enquiry Committee had adversely commented on her conduct. On our query as to what has happened to the report dated 05.08.2016, it is stated that the same is still pending consideration before the authorities concerned.

3. The fact remains that as on date, there is no law or order against respondent No.7 which can prevent her from contesting the elections.

4. We may also notice that the notification for the elections was issued on 13.10.2016 and the process of filing nominations, scrutiny, withdrawal, publication of final list and despatch of voting papers is over. In fact, tomorrow (20.12.2016) is the last date for receipt of the voting papers, and the counting of votes and declaration of results has to take place day-after-tomorrow (21.12.2016). The petition is filed on the anvil of the declaration of the results by the petitioner, who appears to be apprehensive of the success of

respondent No.7, both to got elected to the Council and thereafter, she will be in a position to muster the strength to become a President post polling. If respondent No.7 can do so, there is no impediment in her way. We cannot see how this Court could intervene in this process, merely because the petitioner does not find respondent No.7 suitable, and the petitioner has nothing to do with the Council, and the claim of the petitioner is based only on the report, which has some finding against respondent No.7, but that has yet not resulted in her disqualification.

5. We thus find the present petition is misconceived and the same is dismissed. No costs. Consequently, W.M.P.Nos.37409 & 37410 of 2016 are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Returning Officer/Additional Secretary to Government,
Health & Family Welfare Department,
4th Floor, Namakkal Kavignar Maligai,
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5.The Chief Vigilance Officer,
Ministry of Health & Family Welfare,
Government of India, Room No.146, ''A'' Wing,
Nirman Bhavan,
New Delhi-110 011.

+lcc to Mr.J. Bharathiraja, Advocate, S.R.No.74031

kk(CO)
md(27/12/2016)

W.P.No.43582 of 2016



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