

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.4360 of 2017

N.Pushparaj

... Petitioner

vs.

1. Union of India,
rep. by Secretary,
Government of India,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi.
2. Government of Tamil Nadu,
rep. by Secretary,
Health & Family Welfare,
Fort St. George,
Chennai 600 009.
3. NEHM of India,
rep. by Secretary,
Dr.N.K.Aswathy,
New Delhi - 110 058.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration declaring that the petitioner is entitled to practice Electropathy/Electro Homeopathy as per the 1st respondent's letter dated 05.05.2010.

For Petitioner : Mr.R.Jaya Prakash
for Mr.K.Arunraj

For Respondents 1 & 3: Mr.P.Saravanan

For 2nd Respondent : Mr.A.Kumar,
Additional Public Prosecutor

O R D E R

The petitioner seeks a declaration that he is entitled to practice Electropathy/Electro Homeopathy as per the 1st respondent's letter dated 05.05.2010.

2. According to the petitioner, he has completed B.E.M.S. (Bachelor of Electropathy Medicine & Surgery) in 2011, which is a 4 1/2 year course, in Rajiv Gandhi Medical Institute of Electropathy & Hospital, Krishnagiri, affiliated to NEHM (Natural Electro Homeopathy Medicos of India), which is a registered society under the Societies Registration Act, 1860, the 3rd respondent herein. He has been practising Electropathy/Electro Homeopathy and his N.E.H.M. Registration Number is 0388. It is his further case that on 05.05.2010, the 1st respondent has issued a Circular/Notification in No.V.25011/276/2009-HR, stating that "there is no proposal to stop the petitioners therein from practicing in Electropathy/Electro Homeopathy as long as this is done within the provisions of the order No.R.14015/96-U and H[R][Pt] dated 26.11.2003". Hence, based on the above Circular/Notification, the petitioner seeks for declaration to practice Electropathy / Electro Homeopathy.

3. Learned counsel appearing for the petitioner submitted that the petitioner is fully qualified to practice Electropathy/Electro Homeopathy and CMS [ED] and relying on the reply received by persons, similarly placed as that of the petitioner, through the Right to Information Act, 2005, wherein permission was granted to them to practice Electropathy / Electro Homeopathy and that there is no bar for them from practising so, the petitioner made a representation to the respondents on 29.12.2016 seeking permission to practice Electropathy / Electro Homeopathy.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. In a similar circumstance, this Court in W.P.No.38227 of 2016, by an order dated 03.11.2016, disposed of the said Writ Petition, holding as under:

"6. 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 case, directs the 1st respondent to consider and dispose of the representation of the petitioner dated

11.10.2016 after taking note of the Circular/Notification of the 1st respondent dated 05.05.2010 as well as the judgment of the Hon'ble Apex Court in SLP[C] No.23572/2009 dated 22.01.2015 [GGS Medical Institute and Hospital of Elect. And another Vs. Union of India and others] and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

6. In view of the above, without going into the merits of the case, this Court directs the 1st respondent herein to consider and dispose of the representation of the petitioner dated 29.12.2016 after taking note of the Circular/Notification of the 1st respondent dated 05.05.2010 as well as the judgment of the Hon'ble Apex Court in SLP[C] No.23572/2009 dated 22.01.2015 [GGS Medical Institute and Hospital of Elect. And another Vs. Union of India and others] and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.4553 of 2017 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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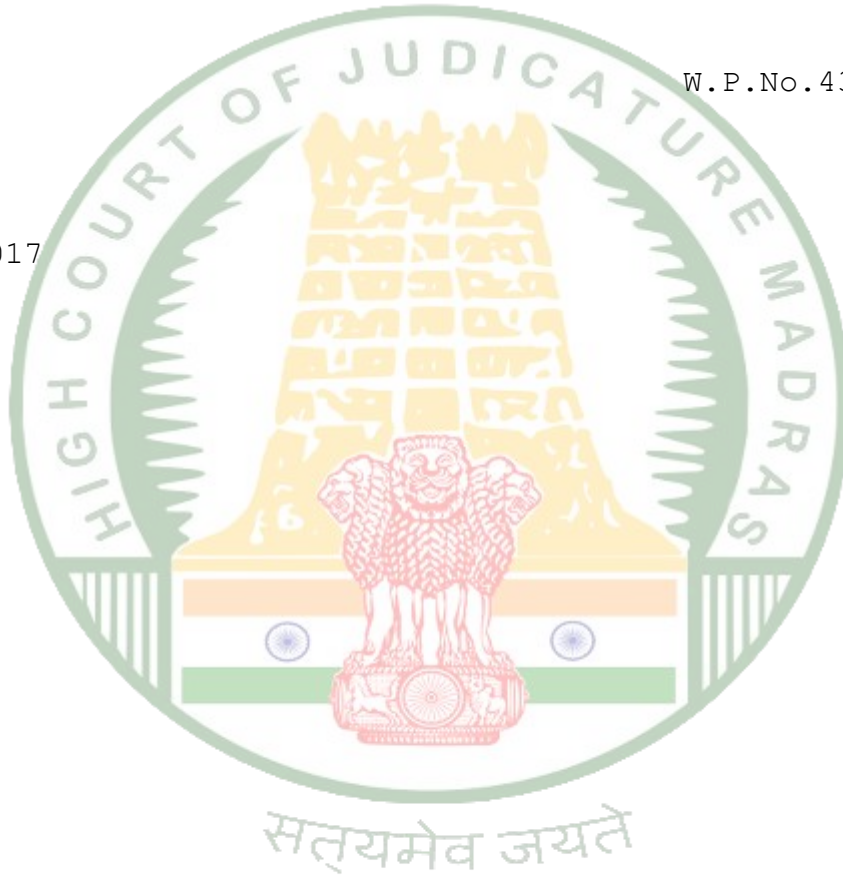
1. The Secretary,
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New Delhi - 110 058.

+1cc to Mr.P.Saravanan, Advocate Sr.11540
+1cc to Mr.K.Arun Raj, Advocate Sr.11968
+1cc to the Government Pleader Sr.12140

W.P.No.4360 of 2017

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