



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Tenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

WMP(MD) No.14896 of 2017
IN
WP(MD) No.21883 of 2016

M/S.MARIA HOMOEOPATHIC MEDICAL COLLEGE & HOSPITAL,
REP. BY PRINCIPAL, PERAI,
THIRUVATTAR, KANYAKUMARI DISTRICT,
TAMILNADU

... PETITIONER/PETITIONER

Vs

1 THE UNION OF INDIA
REP. BY MINISTRY OF AYURVEDA YOGA & NATUROPATHY,
UNANI, SIDDHA & HOMOEOPATHY (ASYUSH),
AYUSH BHAVAN, B-BLOCK, GPO COMPLEX, INA,
NEW DELHI-110 023

2 THE CENTRAL COUNCIL OF HOMEOPATHY,
JANAKPURI, NEW DELHI 58

3 THE TAMIL NADU DR.MGR MEDICAL UNIVERSITY,
NO.69, ANNA SALAI, GUINDY, CHENNAI 600 032

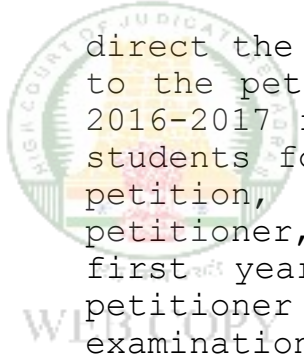
4 THE ADDITIONAL CHIEF SECRETARY -CUM- COMMISSIONER
OF INDIAN MEDICINE & HOMOEOPATHY,
CHENNAI 600 106

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondents herein to permit the first year students for the academic year 2016-17 of the petitioner of the college to register their names, to write their BHMS examination, for arrears if any and publish the result pending disposal of the above Writ Petition and pass.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.VEERA KATHIRAVAN Senior Counsel for M/S.VEERA ASSOCIATES, Advocate for the petitioner and of MR.P.PAULPANDI, for R1 & R2 and MR.C.KARTHIK, for R3 the court made the following order:-

This writ petition has been filed seeking to quash the impugned order of the first respondent in F.No.R.12014/12/2014-EP(H) dated 15.11.2016 received by e-mail on 16.11.2016 and consequently



direct the respondents to issue necessary orders granting permission to the petitioner to continue BHMS programme for the academic year 2016-2017 for the existing students and also permit them to intake students for the academic year 2016-2017. Along with the said writ petition, W.M.P(MD) No.14896 of 2017 has been filed by the petitioner, seeking a direction to the respondents to permit the first year students for the academic year 2016-2017 of the petitioner college to register their names to write their BHMS examination and arrears if any, and publish results pending disposal of the writ petition.

2. According to the learned Senior Counsel for the petitioner-college, a Hon'ble Division Bench of this Court, while dealing with the similar set of facts regarding affiliation, had ultimately dismissed the writ appeal.

3. On the other hand, the learned counsel appearing for the third respondent has specifically contended that the petitioner-college, having failed to obtain affiliation could not have admitted the students and therefore, the act of the petitioner-college itself is contrary to the established rules and illegal. Hence, the prayer sought for by the petitioner-college in the miscellaneous petition cannot stand in the eye of law.

4. The submissions made on either side shall have to be gone into in detail at the time of final hearing of the writ petition. In the meantime, as an interim measure to temporarily give quietus to the issue, this Court directs the third respondent / Tamil Nadu Dr.MGR Medical University to permit the first year students for the academic year 2016-2017 of the petitioner college to register their names to write their BHMS examination and arrears if any and the third respondent shall withhold the result, pending disposal of the writ petition.

5. Accordingly, W.M.P(MD) No.14896 of 2017 is ordered.

6. Registry is directed to list the main writ petition after three weeks for hearing along with connected WP(MD)No.22143 of 2016.

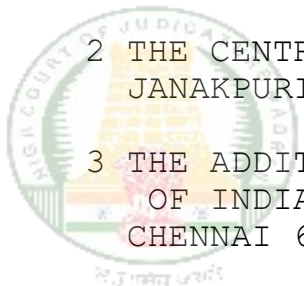
sd/-
10/10/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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CHENNAI 600 106

+1. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.32450

+1. C.C. to M/S.C.KARTHIK Advocate SR.No.32400

ORDER

IN

WMP (MD) No.14896 of 2017

IN

WP (MD) No.21883 of 2016

Date :10/10/2017

MS-CM-MSA-SAR 2/10.10.2017/3P-6C