



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

Wednesday, the Eleventh day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

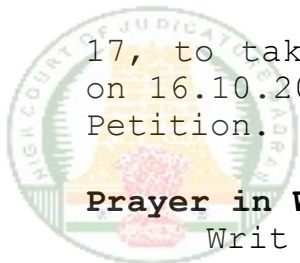
WMP(MD) No.15008 of 2017
IN
WP(MD) No.18622 of 2017

THE CHAIRMAN,
SARADA KRISHNA HOMEOPATHIC
MEDICAL COLLEGE, KULASEKHARAM,
KANYAKUMARI DISTRICT,
RUN BY K.V.EDUCATION TRUST, CHERUPPALOOR,
KULASEKHARAM,
KANYAKUMARI DISTRICT -629 161. ... PETITIONER/ PETITIONER

Vs

- 1 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY,
DEPARTMENT OF HEALTH & FAMILY WELFARE,
FORT ST.GEORGE, CHENNAI - 600 009.
- 2 THE ADDITIONAL CHIEF SECRETARY / COMMISSIONER
OF INDIAN MEDICINE AND HOMEOPATHY,
ARUMBAKKAM, CHENNAI - 600 106.
- 3 THE DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
162, POONAMALLE HIGH ROAD,
KILPAUK, CHENNAI -600 010.
- 4 THE SECRETARY,
THE SELECTION COMMITTEE,
INDIAN MEDICINE AND HOMEOPATHY,
COMMISSIONERATE OF INDIAN MEDICINE AND HOMEOPATHY,
CHENNAI - 600 106.
- 5 TAMIL NADU DR.M.G.R.MEDICAL UNIVERSITY,
REP. BY ITS REGISTRAR, P.B.NO.1200,
NO.69, ANNA SALAI, GUINDY,
CHENNAI - 600 032. ... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass suitable directing the 5th respondent Tamil Nadu Dr.M.G.R. Medical University to register and permit forthwith the 6 students (name list annexed), admitted against lapsed seats in the 1st year of BHMS Course in the petitioner college for the academic year 2016-



17, to take the 1st year University Examination slated to commence on 16.10.2017 or any other future date, pending disposal of the Writ Petition.

Prayer in WP(MD). 18622/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 1st respondent State Government and the 2nd respondent Commissioner herein to approve and register forthwith the six students admitted against the lapsed seats in the 1st year Bachelor of Homeopathy Medicine and Surgery Course (BHMS) in the petitioner college during the academic year 2016-2017 (name list annexed).

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.ISSAC MOHANLAL, Senior Counsel for ISAAC CHAMBERS, Advocate for the petitioner and of M/S.Mr.J.GUNASEELAN MUTHIAH, Government Advocate for R1 to R4 and M/S.C.KARTHIK, Advocate for R5, the court made the following order:-

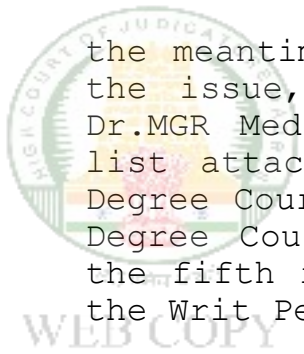
W.P(MD)No.18622 of 2017 has been filed, seeking a Writ of Mandamus directing the first respondent State Government and the second respondent Commissioner to approve and register forthwith the six students mentioned in the petition admitted against the lapsed seats in the First year Bachelor of Homeopathy Medicine and Surgery Course (BHMS) in the petitioner college during the Academic Year 2016-2017 (name list annexed). Along with the writ petition, W.M.P (MD)No.15008 of 2017 has been filed by the petitioner, seeking to direct the fifth respondent / Tamil Nadu Dr.MGR Medical University to register and permit forthwith six students (Name list Annexed) admitted against lapsed seats in the First Year BHMS Degree Course in the petitioner-College for the Academic Year 2016-2017, to take the First Year University Examination scheduled to commence on 16.10.2017 or any other future date, pending disposal of the Writ Petition.

2.Mr.J.Gunaseelan Muthiah, learned Government Advocate, takes notice for the respondents 1 to 4 and Mr.C.Karthik, learned counsel, takes notice for the fifth respondent.

3.According to the learned Senior Counsel appearing 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.

4.On the other hand, the learned Government Advocate appearing for the first 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.

5.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 fifth respondent / Tamil Nadu Dr.MGR Medical University to permit the six students (as per the list attached in this petition) studying in the First Year BHMS Degree Course in the petitioner-College to take the First Year BHMS Degree Course Examination scheduled to commence on 16.10.2017 and the fifth respondent shall withhold the result, pending disposal of the Writ Petition.

6.This Miscellaneous Petition is ordered accordingly.

sd/-
11/10/2017

/ TRUE COPY /

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

TO

- 1 THE SECRETARY, THE STATE OF TAMIL NADU,
DEPARTMENT OF HEALTH & FAMILY WELFARE,
FORT ST.GEORGE, CHENNAI - 600 009.
- 2 THE ADDITIONAL CHIEF SECRETARY / COMMISSIONER
OF INDIAN MEDICINE AND HOMEOPATHY,
ARUMBAKKAM, CHENNAI - 600 106.
- 3 THE DIRECTOR OF MEDICAL EDUCATION,
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COMMISSIONERATE OF INDIAN MEDICINE AND HOMEOPATHY,
CHENNAI - 600 106.
- 5 THE REGISTRAR,
TAMIL NADU DR.M.G.R.MEDICAL UNIVERSITY,
P.B.NO.1200, NO.69, ANNA SALAI, GUINDY,
CHENNAI - 600 032.

+1. C.C. to M/S.ISAAC CHAMBERS Advocate SR.No.32545
+1CC TO M/S.CKARTHIK, ADVOCATE, SR NO.32564

ORDER
IN
WMP (MD) No.15008 of 2017
IN
WP (MD) No.18622 of 2017
Date :11/10/2017