



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

Monday, the Ninth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

WMP(MD) No.15119 of 2017
IN
WP(MD) No.22143 of 2016

THE CHAIRMAN,
WHITE MEMORIAL HOMOEOPATHIC MEDICAL COLLEGE,
VEEYANOOR POST, ATTOOR 629 177,
KANYAKUMARI DISTRICT.

... PETITIONER/PETITIONER

Vs

- 1 THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HEALTH & FAMILY WELFARE
DEPARTMENT OF AYURVEDA YOGA & NATUROPATHY,
UNANI, SIDDHA & HOMOEOPATHY (AYUSH)
IRCS ANNEXE BUILDING, 1-RED CROSS ROAD,
NEW DELHI-110 001.
- 2 THE CENTRAL COUNCIL OF HOMOEOPATHY (CCH),
REPRESENTED BY ITS SECRETARY,
JAWAHAR LAL NEHRU BHARTIYA CHIKITSA
AVUM HOMOEOPATHY ANUSANDHAN BHAVAN,
NO.61-65, INSTITUTIONAL AREA,
OPP.'D'BLOCK, JANAKPURI,
NEW DELHI-110 058.
- 3 THE COMMISSIONER
DIRECTORATE OF INDIAN MEDICINE & HOMOEOPATHY,
ARUMBAKKAM, CHENNAI 600 106
- 4 TAMIL NADU DR.MGR MEDICAL UNIVERSITY,
REP. BY ITS REGISTRAR,
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 issue suitable Interim orders directing the 4th respondent TN Dr. MGR Medical University to permit the 98 students (Name list Annexure) studying in the 1st year BHMS Degree Course in the petitioners College for the academic year 2016-2017 to take the 1st year BHMS Course Examination slated to commence on 16.10.2017 or any other future date, pending disposal of the 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.ISAAC MOHANLAL Senior Counsel for M/S.ISAAC CHAMBERS, Advocate for the petitioner and of MR.N.SHANMUGA SELVAM, for R1 to R3 and MR.C.KARTHIK, for R4 the court made the following order:-

The writ petition has been filed, seeking to quash the impugned order by the 1st respondent Central Government (AYUSH) in File No. R.14014/18/2015-EP (EP-H) dated 26.10.2016 (received on 07.11.2016), by which the admission capacity of 50 seats in the BHMS course in the petitioner college for the academic year 2016-2017 was stopped. Along with the said writ petition, W.M.P(MD) No.15119 of 2017 has been filed by the petitioner, seeking to direct the 4th respondent / Tamil Nadu Dr.MGR Medical University to permit 98 students (Name list Annexure) studying in the 1st year BHMS Degree Course in the petitioner-College for the academic year 2016-2017 to take the 1st year BHMS Course Examination scheduled to commence on 16.10.2017 or any other future date 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 4th 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 4th respondent / Tamil Nadu Dr.MGR Medical University to permit the 98 students (as per the list attached in this petition) studying in the 1st year BHMS Degree Course in the petitioner-College for the academic year 2016-2017 to take the 1st year BHMS Course Examination scheduled to commence on 16.10.2017 and the 4th respondent shall withhold the result, pending disposal of the Writ Petition.

5. This Miscellaneous Petition is ordered accordingly. Call the main writ petition after three weeks for hearing.

sd/-
09/10/2017

/ TRUE COPY /



TO

1 THE SECRETARY,
THE UNION OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
DEPARTMENT OF AYURVEDA YOGA & NATUROPATHY,
UNANI, SIDDHA & HOMOEOPATHY (AYUSH)
IRCS ANNEXE BUILDING, 1-RED CROSS ROAD,
NEW DELHI-110 001.

2 THE SECRETARY,
THE CENTRAL COUNCIL OF HOMOEOPATHY (CCH),
JAWAHAR LAL NEHRU BHARTIYA CHIKITSA
AVUM HOMOEOPATHY ANUSANDHAN BHAVAN,
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NEW DELHI-110 058.

3 THE COMMISSIONER
DIRECTORATE OF INDIAN MEDICINE & HOMOEOPATHY,
ARUMBAKKAM, CHENNAI 600 106

+1. C.C. to M/S.ISAAC CHAMBERS Advocate SR.No.32318

+1. C.C. to M/S.C.KARTHIK Advocate SR.No.32299

ORDER
IN
WMP(MD) No.15119 of 2017
IN
WP(MD) No.22143 of 2016
Date :09/10/2017

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