



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.7341 of 2017
and W.M.P.Nos.5766 and 5767 of 2017

Arasu Electro Homeopathy
Medical College & Hospital
Through its Chairman
T.M.Daswin John Grace
Aruppukottai
Virudhunagar District

... Petitioner

vs.

The Joint Director
Medical and Rural Health Services &
Family Welfare
Virudhunagar

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari to call for the records relating to the impugned proceedings passed by the respondent bearing Roc.No.2574/P&D/2017 dated 17.04.2017 and quash the same.

For Petitioner	:	Mr.G.Prabhu Rajadurai for Mr.M.Gnanagurunathan
For Respondent	:	Mr.J.Gunaseelan Muthiah Government Advocate

O R D E R

This Writ Petition has been filed challenging the impugned proceedings of the respondent dated 17.04.2017.

2. It is the case of the petitioner that the petitioner is a College conducting courses namely, BEMS, DFN, DMLT and MD(EH) by obtaining approval from the concerned authorities. BEMS course is 4 ½ years certificate course and the Nature Electro Homeo Medicos of India (Ministry of Health & F.W.) had given approval and affiliation on 23.10.2015 to conduct the said course and the Bharat Sevak Samaj had issued approval and certificate to the petitioner's college to the effect that the petitioner is the authorised centre for conducting the Diploma Courses in Medical Laboratory Technician, First Aid and Health Care, X-ray Technician and Electro Cardiograph Courses. While so, the respondent had passed the impugned proceedings dated 17.04.2017, thereby sealed and closed the petitioner's College with immediate effect on the ground that the petitioner's College is running without obtaining any approval and affiliation. Therefore, the petitioner is before this Court with this writ petition.



3. The respondent filed a counter affidavit in which, it is stated that the Bharat Seva Samaj is not authorised to conduct any courses in the State of Tamil Nadu and the courses are to be conducted only by the Government, which is under Indian Nursing Council and the Tamil Nadu Nursing Midwifery Council. On the instructions from the Director of Medical and Rural Health Services, the respondent made inspection on 17.04.2017, during which, the respondent found that the petitioner is running the institution, without any approval/permission from the concerned authorities, without obtaining certificate from the Revenue Department under Public Building Licence Act and there are no basic amenities. Therefore, the petitioner's Institution was closed and sealed by the respondent. For all these reasons, the respondent prayed for dismissal of the writ petition.

4. However, after closure of the petitioner's institution, with effect from 17.04.2017, the petitioner is now inclined to take away all the belongings thereby vacating the premises and to that effect, he has filed an affidavit of undertaking, in which, it is stated as follows:

"4.I respectfully submit that the institution is situated in rented building and the owner of the building insisting me to vacate the same. I have been paying rent to the owner even though it is closed and sealed. On the basis of my undertaking the premises may be opened by removing the seal enabling me to take all the material and hand over the building to the owner.

5.I respectfully submit that in view of the undertaking the apprehensions of the respondents regarding such courses are addressed. As I have undertaken not to run any such courses.

It is therefore, prayed that this Hon'ble Court may be pleased to open the premises by removing the seal enabling the petitioner to take all the material and hand over the building to the owner of the building and thus render justice."

The respondent has no objection for the same.

5. Recording the undertaking given by the petitioner, the respondent is directed to remove the seal and permit the petitioner to take away all their belongings from the premises. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/



To

The Joint Director
Medical and Rural Health Services &
Family Welfare
Virudhunagar

+One cc to Mr.M.Gnanagurunathan, Advocate, SR.No.91832

+One cc to The Special Government Pleader, SR.No.91946

RR

RL/4C/3P/JC/SAR1/20/12/2017

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