

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2018

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.15561 of 2017
and
WMP.Nos.16864 & 16865 of 2017

Shri Adhiyaman Medical Institute
of Electropathy & Hospital,
Reb.by its Secretary to M.Viswanathan Petitioner

Vs.

1.Union of India Rep. by Secretary,
Government of India,
Ministry of Healthy and Family Welfare,
Nirman Bhawan, New Delhi.

2.NEHM of India (Natuero Electro Homeopathy Medicine)
Rep. by Secretary Dr.N.K.Aswathy,
New Delhi-110 058.

3.Government of Tamil Nadu,
Rep. by Secretary,
Health & Family Welfare,
Fort St.George, Chennai-600 009.

4.The Registrar,
Tamilnadu Homeopathy Medical Council,
Arumbakkam,
Chennai-600 106.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Ltr.No.636/TNHMC/16 dated 26.10.2016 passed by the 4th respondent and quash the same as illegal, arbitrary and unreasonable and consequently forbearing the 3rd and 4th respondents from interfering with the affair of the petitioner's institution namely Shri Adhiyaman Medical Institute of

Electropathy & Hospital at Salem Main Road, Oddappatti,
Dharmapuri-636 705.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.A.Veeramani (for R1)
Central Government Standing
Counsel.

Mr.C.Munusamy (RR3 &4)
Special Government Pleader
(Education)

O R D E R

This writ petition is filed seeking a Certiorarified Mandamus calling for the records and to quash the impugned order in Ltr.No.636/TNHMC/16 dated 26.10.2016 passed by the 4th respondent and for a consequential relief.

2.According to the petitioner, the petitioner college is a recognized institution and has been conducting Electropathy Course since 2007. While being so, the 4th respondent directed the petitioner to stop further conducting of Electropathy Course, and issued the impugned order dated 26.10.2016 stating that the course of Electro Homeopathy is not recognized by the Ministry of AYUSH, Government of India and hence, directed the petitioner college to stop all the activities of conducting any course in Electro Homeopathy. Aggrieved by the said order, the petitioner is before this Court with this writ petition.

3.The learned counsel for the petitioner submitted that in similar circumstances, this Court by an order dated 03.11.2016 disposed of the writ petition in W.P.No.38277 of 2016, which reads as follows:

"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."

Therefore, the learned counsel prayed for similar order in this writ petition as well, for which the learned standing counsel appearing for the respondents has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the respective parties and after perusal of the order passed by this Court on earlier occasion, this Court is inclined to dispose of this writ petition in line with the order passed in W.P.No.38277 of 2016.

5.Accordingly, this writ petition is disposed of, directing the first respondent to consider the petitioner's representation dated 29.12.2016 and pass appropriate orders on merits and in accordance with law and also in the light 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) within a period of four months from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

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To

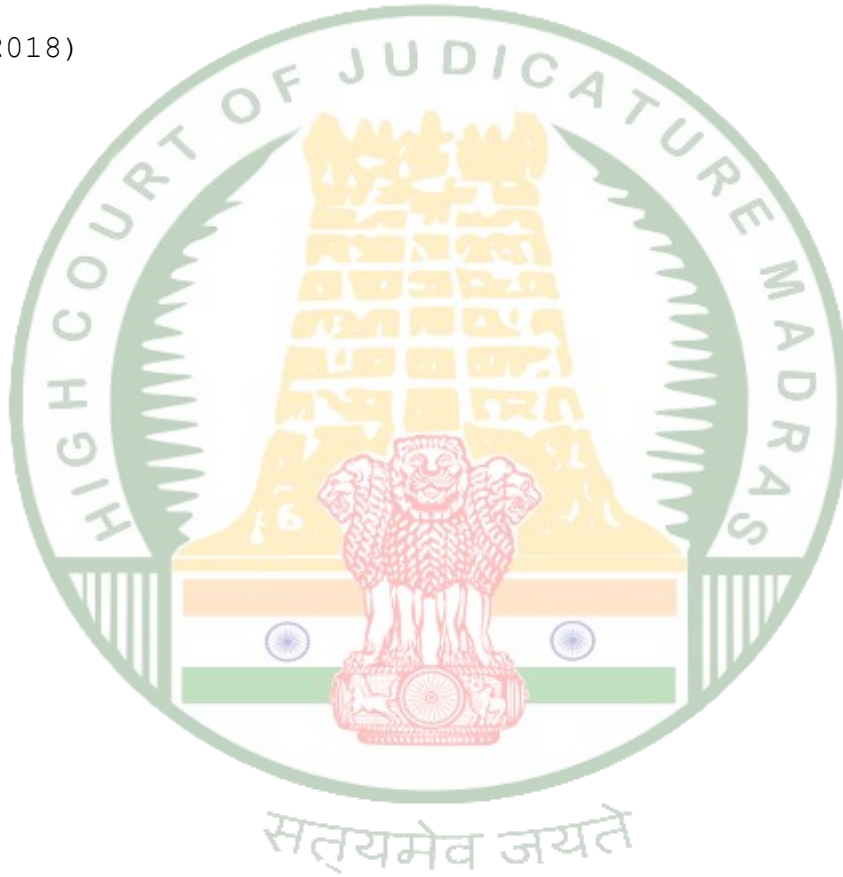
- 1.The Secretary,
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Nirman Bhawan, New Delhi.
- 2.The Secretary (Dr.N.K.Aswathy),
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Health & Family Welfare,
Fort St.George, Chennai-600 009.

4.The Registrar,
Tamilnadu Homeopathy Medical Council,
Arumbakkam,
Chennai-600 106.

+1cc to Mr.K.Arunraj, Advocate SR.No.5301
+1cc to Government Pleader SR.No.8814

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AD(CO)
GN(09/02/2018)



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