

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.Nos.2691 to 2694 of 2012

The Secretary
Govt. of India
Ministry of Health & Family Welfare
Department of Ayush
IRCS Building, New Delhi 110 001.

... Appellant/1st Respondent in W.A.Nos.2691
and 2692 of 2012

Vs

1.A.T.S.V.S.Siddha Medical College & Hospital
(run by Akila Thiruvithancore Siddha Vaidhya Sangam)
Munchirai
Pudukkodai (PO.)
Kanyakumari District 629 171
Represented by Administrator
Justice A.Ramamurthi

... 1st Respondent in WA.2691, 2692/12/ Petitioner

2.Central Council of Indian Medicine
61-65 Institutional Area
Janakpuri, New Delhi 110 058.

3.The Registrar
The Tamil Nadu Dr.MGR Medical University
Post Bag No.1200
No.69, Anna Salai
Guindy, Chennai 600 032.

4.The Commissioner of Indian Medicine
and Homeopathy
Arumbakkam
Chennai 600 106.

...2 to 4 Respondents/2 to 4 Respondent in
W.A.Nos.2691 and 2692 of 2012

The Union of India
Rep. by its Secretary
Ministry of Health & Family Welfare
Department of Ayush

IRCS Building, New Delhi 110 001.

... Appellant /1st Respondent in
W.A.Nos.2693 and 2694 of 2012

Vs

1.The Chairman
R.V.S.Medical Trust
Running RVS Siddha Medical College
242-B, Trichy Road, Sulur
Coimbatore 641 402.

.. 1st Respondent/Petitioner in WA

1.Ayurveda College
Coimbatore
Represented by its Secretary
AVR Education Foundation of Ayurveda
242/B, Trichy Road, Sulur
Coimbatore 641 402.

.. 1st Respondent/Petitioner in WA

2.The Central Council of Indian Medicine
Rep by its Secretary
Institutional Area
Janakpuri, New Delhi 110 058.

3.The Commissioner of Indian Medicine
and Homeopathy
Chennai 600 106.

4.The Dr.MGR Medical University
Rep by its Registrar
No.69/40, Anna Salai
Guindy, Chennai 600 032.

.. R2 to R4 /Respondent 2 to 4in W.A.Nos.2693
and 2694 of 2012

Prayer:- Writ Appeals filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.Nos.23743 of 2012 and 20232 of 2011 dated 30.10.2012; W.P.Nos.23661 and 24916 of 2012 dated 29.10.2012 respectively.

Writ petitions are filed under Article 226 of the constitution of India seeking a writ of certiorarified mandamus calling for the records of

- i) in WP.23743/12: The 1st respondent pertaining to letter No.R-17013/004/2012 - EP (IM-I), dt 14.8.2012 and quash the same and direct the 1st respondent to issue provisional permission for admission to the petitioner College for the year 2012-2013
- ii) in WP.No.20232/11: The 1st respondent pertaining to Letter

No.R.17013/04/ 2011-EP(IM-I) dated 9.8.2011, quash the same and direct the 1st respondent to issue provisional permission for admission to the petitioner college for the year 2011-2012.

iii) in WP.23661/92: relating to the impugned Order passed by the 1st respondent in letter no R-12012-001-2006-EP(IM-I) dated 11.07.2012 denying permission to admit students to the BSMS Course in the petitioner's RVS Siddha Medical College, at Sulur, Coimbatore in the academic year 2012-2013 quash the same and further direct the 1st respondent to give permission for forthwith to the petitioner's College

iv) in WP.24916/12: relating to the impugned order passed by the 1st respondent in Letter No. R 17011/187/2012- EP (IM-1) dt 17.8.2012 denying permission to admit students to the BAMS course in the petitioner college in the academic year 2012-2013, quash the same, and further direct the 1st respondent to give permission forthwith to the petitioners college

In W.A.Nos.2691 and 2692 of 2012:

For Appellant : Mr.G.Karthikeyan
Assistant Solicitor General of India
For R1 : Mr.C.V.Vijayakumar
For R4 : Mrs.A.Sri Jayanthi
Special Government Pleader
: RR 2 & 3 No Appearance

In W.A.Nos.2693 and 2694 of 2012:

For Appellant : Mr.G.Karthikeyan
Assistant Solicitor General of India
For R1 : Mr.Issac Mohanlal, Senior Counsel
for Mr.P.Godson Swaminathan
For R3 : Mrs.A.Sri Jayanthi
Special Government Pleader
: RR2, 4 No appearance

COMMON JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

These intra court appeals are filed against the order dated 30 October, 2012 and 29 October, 2012 respectively, directing the appellant to grant permission to the first respondent to

conduct the B.S.M.S..Course for the year 2011-2012 and 2012-2013, with intake of 40 students for each of the years.

2. The direction given by the learned Single Judge for granting permission is under challenge at the instance of Department of Ayush, Ministry of Health & Family Welfare, Government of India.

3. When the appeals were taken up for hearing, the learned Assistant Solicitor General appearing on behalf of the Government of India, produced a copy of the communication dated 09 November, 2012 indicating that the statutory body has already given permission for the year 2011-2012 and 2012-2013 pursuant to the direction given by the learned Single Judge.

4. The learned counsel appearing on behalf of the first respondent in the respective intra court appeals submitted that the students have undergone the course pursuant to the permission granted by the statutory body and they have completed the course.

5. The learned Senior Counsel for the first respondent institution in W.A.Nos.2693 and 2694 of 2012, on instructions submitted that even after 2012-2013, permission was granted to the institution and the same is in force till this year. The direction given by the learned Single Judge has already been complied with by the appellant. In view of the subsequent events, nothing remain for further adjudication.

The writ appeals are dismissed on the ground of subsequent events. No costs.

Sd/-

Assistant Registrar (CS III)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

gms

To

1.The Secretary,
Government of India,
Ministry of Health & Family Welfare
Department of Ayush
IRCS Building, New Delhi 110 001.

WEB COPY

2. Central Council of Indian Medicine
61-65 Institutional Area
Janakpuri, New Delhi 110 058.

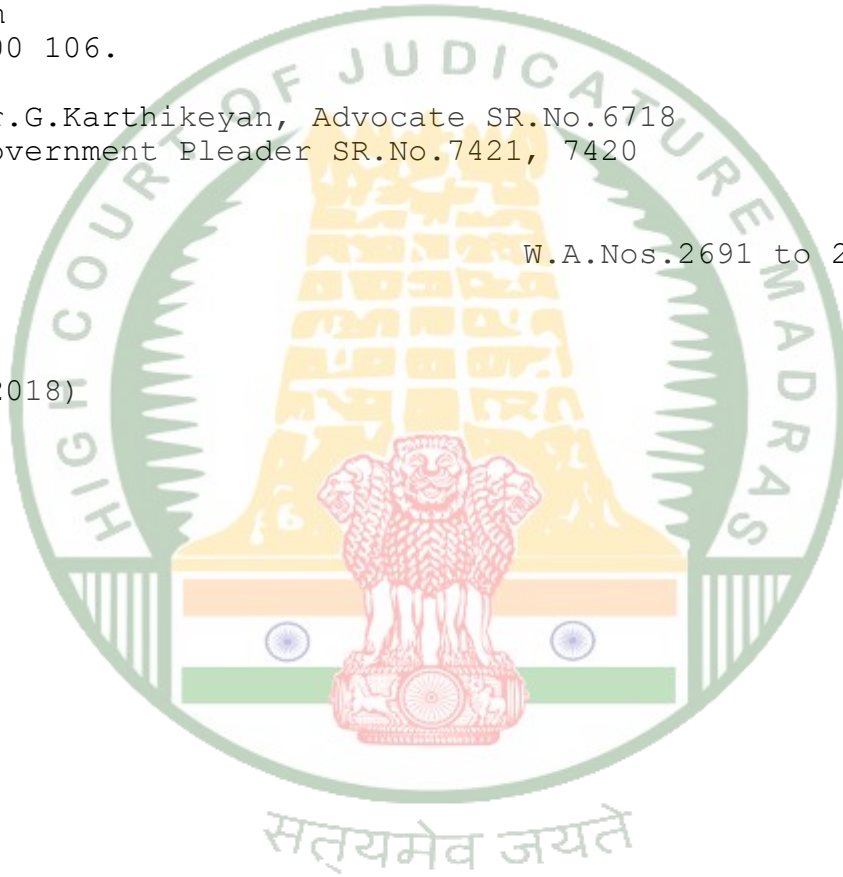
3. The Registrar
The Tamil Nadu Dr. MGR Medical University
Post Bag No. 1200
No. 69, Anna Salai
Guindy, Chennai 600 032.

4. The Commissioner of Indian Medicine
and Homeopathy
Arumbakkam
Chennai 600 106.

+1cc to Mr. G. Karthikeyan, Advocate SR.No. 6718
+1cc to Government Pleader SR.No. 7421, 7420

W.A.Nos. 2691 to 2694 of 2012

RSY (CO)
GN (20/02/2018)



WEB COPY