



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.19157 of 2015
and
M.P.(MD)No.1 of 2015

White Memorial Educational Society,
Represented by its Chairman,
Attoor, Veeyanoor-629 177,
Kanyakumari District.

... Petitioner

Vs.

1.Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
69, Anna Salai, Guindy,
Chennai-600 032.

2.The Commissioner,
Directorate of Indian Medicine & Homeopathy,
Arumbakkam, Chennai-600 106.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to continue to treat the admission capacity in the petitioner's college as 100 seat per annum for the BHMS Degree course in terms of the order of this Court in W.P.(MD) No.14760 of 2012 dated 19.09.2013.

For Petitioner	: Mr.T.Cibi Chakraborty
For R1	: Mr.C.Karthik
For R2	: Mr.Aayiram K.Selvakumar,
	Additional Government Pleader.

ORDER

This writ petition has been filed seeking a direction to the respondents to treat the admission capacity in the petitioner's college as 100 seat per annum for the B.H.M.S Degree course in terms of the order of this Court in W.P.(MD)No.14760 of 2012 dated 19.09.2013.

2.According to the petitioner, the petitioner society is running a Homeopathy Medical College and other educational institutions and the college also conducting diploma course in Homeopathic Medicine & Surgery (BHMS). Originally, a permission was granted to the petitioner with total intake of 50 students. Hereafter, the petitioner applied for additional intake of 50 students. The Central Council for Homeopathy, Chennai, also



permitted the petitioner college to increase the students intake from 50 to 100, by an order dated 31.10.2002. Thereafter, the first respondent herein, by an order dated 31.08.2012, also granted permission to the petitioner college to increase the students from 50 to 100, and the petitioner was running a college with annual intake of 100 students. Subsequently, based on the letter of clarification sent by the Ministry of Ayurveda, Yoga & Naturopathy, Unanai, Siddha and Homeopathy (AYUSH), the first respondent herein cancelled the permission granted for the additional intake of 50 students. Challenging the above said order, the petitioner filed the writ petition before this Court in W.P.(MD)No.14760 of 2012 and this Court, by an order dated 19.09.2013, allowed the writ petition, setting aside the order passed by the first respondent. It is also stated that a writ appeal in W.A.(MD)No.482 of 2016 filed by the Union of India, against the said order, is also dismissed by the Division Bench of this Court, confirming the order passed in the writ petition. Even, thereafter, the respondents are not granting permission for the additional intake of students from 50 to 100. In the above circumstances, the present writ petition has been filed.

3.I have heard the learned counsel appearing for the parties and also perused the materials on record carefully.

4.On a perusal of the order passed by this Court in W.P.(MD)No.14760 of 2012, it is seen that this Court specifically set aside the order passed by the Union of India as well as the order passed by the first respondent herein reducing the intake, and it is stated that the said order has become final. In such circumstances, the first respondent cannot deny permission for total intake of 100 students. The order passed by the first respondent was already set aside by this Court, the first respondent cannot deny the permission for the additional intake of 50 students in the petitioner college.

5.In the above circumstances, the writ petition is allowed and the first respondent is directed to consider the petitioner's request as per the order passed by this Court in W.P.(MD)No.14760 of 2012 dated 19.09.2013, and pass suitable orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Directorate of Indian Medicine & Homeopathy,
Arumbakkam, Chennai-600 106.

+One cc to M/s.Cibi Chakraborty, Advocate, SR.No.49063

+One cc to M/s.C.Karthik, Advocate, SR.No.49058

Myr

<https://hservices.ecourts.gov.in/hservices/>
RL/4C/21/KR/SARI/19/3/2018

W.P (MD) No.19157 of 2015
15.02.2018