

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9697 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not passing the orders on the application dt.18-08-2017 submitted by the petitioner Society for the grant of Minority Status Certificate to the petitioner proposed institution i.e., Hazarath Ameeruddin Homeopathy Medical College, Giddalur, Prakasam District, as illegal, arbitrary and violative to Art.30 of the Constitution of India, consequently direct the 1st respondent to grant the Minority Status Certificate to the petitioner proposed Institution in pursuance of the application submitted by the petitioner Society dt.18-08-2017 in the light of the orders of the Hon’ble Supreme Court in Civil Appeal No.7579/1997 dt. 10-01-2001, and pass such other order or orders as this Hon’ble Court deem fit and proper.”

2. I have heard the submissions of Sri *D.Kasim Saheb*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Social Welfare (A.P.) appearing for the 1st respondent, and of the learned Government Pleader for Medical & Health (A.P.) appearing for the 2nd respondent. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that the only grievance is with regard to Minority Status Certificate of the petitioner institution, which the petitioner is entitled to receive as per the application of the petitioner, dated 18.08.2017, in the light of the orders, dated 10.01.2001, of the Supreme Court in Civil Appeal No.7579 of 1997.

4. Learned Government Pleader for Social Welfare, on oral instructions, would submit that on the application of the petitioner, the 1st respondent's office addressed a letter to the Commissioner of Indian Medicine Homeopathy, Gollapudi, Vijayawada, requesting to furnish the Inspection Report along with the required documents and the specific recommendation in the matter to the Government immediately for taking further necessary action in the matter and that compliance in that regard is awaited from the said Commissioner of Indian Medicine Homeopathy and that as and when any such recommendation is received in the matter in due compliance of the request made by the 1st respondent, necessary follow up action would be taken in the matter, in accordance with facts and circumstances of the case.

5. Learned counsel for the petitioner, in reply, would submit that recording the submissions, the writ petition may be disposed of.

6. It is necessary to note that the learned Government Pleader for Social Welfare placed on record a copy of the letter, dated 26.09.2017, in Memo No.761168/SDM/A2/2017, addressed by the 1st respondent to the Commissioner of Indian Medicine Homeopathy.

7. Having regard to the facts and submissions, this Writ Petition is disposed of directing the 2nd respondent i.e., the Commissioner of Indian Medicine Homeopathy, Gollapudi Vijayawada, Krishna District, to comply with the request of the 1st respondent in the afore-stated letter within a period of three (03)

weeks from the date of receipt of a copy of this order. It is needless to state that on receipt of such Inspection Report with necessary documents and specific recommendation of the Commissioner, the 1st respondent shall take appropriate further considered decision in the matter, in accordance with procedure established by law, however, within a period of three (03) weeks thereafter. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 2nd April, 2018

KL



188

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.9697 of 2018

Date: 2nd April, 2018

KL