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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.27773, 5754 of 2014, 12160, 12161 of 2018

W.P.No.27773 of 2014

Dharma Medical Research &
Charitable Trust
No.48, Grand West Trunk Road
Sriperumbudur 602 105
Kancheepuram District
Tamil Nadu rep.by its Trustee

.. Petitioner

-vs-

1. The Union of India
rep.by the Secretary to Government
Health & Family Welfare Department
Dept. of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy (AYUSH)
AYUSH Bhawan, B Block
GPO Complex, INA
New Delhi 110 023
2. Central Council of Indian Medicine
rep.by the Secretary
61-65, Institutional Area
Janakpuri, New Delhi 110 058
3. The Government of Tamil Nadu
rep.by the Secretary to Government
Health & Family Welfare Department
St.Fort George, Chennai
4. The Commissioner of Indian Medicine
& Homeopathy
Commissionerate of Indian Medicine
& Homeopathy
Anna Hospital Campus
Arumbakkam
Chennai 600 106



5. The Tamil Nadu Dr.MGR Medical University
P.B.No.1200, No.69, Anna Salai
Guindy, Chennai 600 032
rep.by its Registrar

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6. The Under Secretary to Government of India
Health & Family Welfare Department
Dept. of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy (AYUSH)
AYUSH Bhawan, B Block
GPO Complex, INA
New Delhi 110 023

7. Dr.Vanitha Muralikumar
President
Central Council of Indian Medicine
61-65, Institutional Area
Janakpuri, New Delhi 110 058

8. Dr.Rashidulla Khan
Vice President - Unani
Central Council of Indian Medicine
61-65, Institutional Area
Janakpuri, New Delhi 110 058

.. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the sixth respondent in No.R.17011/188/2014-EP(IM-1) dated 14.10.2014, quash the same and direct respondents 1 and 2 to grant recognition to Dharma Ayurveda Medical College and Hospital, Sriperumbudur for the academic year 2014-15.

For Petitioner :: Mr.V.Selvaraj

For Respondents :: Mr.G.Karthikeyan
Asst.Solicitor General
for R1, 6 to 8
Mr.K.Vellayaraj for
M/s.V.K.Raj Law Chambers for R2
Mr.V.Kadhirvelu
Special Government Pleader
for R3 & 4
Mr.K.Udayachandran for
M/s Ramalingam & Associates
for R5



W.P.No.5754 of 2014

Dharma Medical Research &
Charitable Trust
No.48, Grand West Trunk Road
Sriperumbudur 602 105
Kancheepuram District
Tamil Nadu rep.by its Trustee

.. Petitioner

-vs-

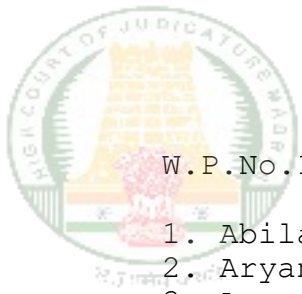
1. The Union of India
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AYUSH Bhawan, B Block
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New Delhi 110 023
2. Central Council of Indian Medicine
61-65, Institutional Area
Janakpuri, New Delhi 110 058
rep.by its Secretary
3. The Tamil Nadu Dr.MGR Medical University
P.B.No.1200, No.69, Anna Salai
Guindy, Chennai 600 032
rep.by its Registrar

.. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to grant continuous recognition for Dharma Ayurveda Medical College and Hospital, Sriperumbudur from the academic year 2014-2015 onwards except by following the procedure prescribed under Section 21 of the Indian Medicine Central Council Act, 1970.

For Petitioner :: Mr.V.Selvaraj

For Respondents :: Mr.G.Karthikeyan
Asst.Solicitor General for R1
Mr.K.Vellayaraj for
M/s.V.K.Raj Law Chambers for R2
Mr.K.Udayachandran for
M/s Ramalingam & Associates
for R3



W.P.No.12160 of 2018

1. Abilasha.A
2. Aryan.S
3. Anusuya.S.I.
4. Asra Fathima.K
5. Athira.S
6. Dershana Dileep
7. Devi Sangamithrai.D.R
8. Fathima Thehsin
9. Jusaira.P.P
10. Priyanka.V
11. Sangamithirai.T
12. Sufiyan Rahman.K
13. Thara Sri.G
14. Bhavna Manoj Kumar
15. Talupuru Divya Sai Lakshmi
16. Ganga Devi.D
17. Shantha Bhavani
18. Babu.A
19. Jovani Veronica.J
20. Kowsalya.V
21. Sathish Kumar.B
22. Thangalakshmi
23. Ashwin Teja.A
24. Saiprasad.G
25. Mahadevan
26. Y.Vaishnavi
27. V.Elakiya Selvi

.. Petitioners

-vs-

1. Dharma Medical Research &
Charitable Trust
No.48, Grand West Trunk Road
Sriperumbudur 602 105
Kancheepuram District
Tamil Nadu rep.by its Trustee
2. The Union of India
rep.by the Secretary to Government
Health & Family Welfare Department
Dept. of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy (AYUSH)
AYUSH Bhawan, B Block
GPO Complex, INA
New Delhi 110 023



3. Central Council of Indian Medicine
61-65, Institutional Area
Janakpuri, New Delhi 110 058
rep.by its Secretary

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4. The Tamil Nadu Dr.MGR Medical University
P.B.No.1200, No.69, Anna Salai
Guindy, Chennai 600 032
rep.by its Registrar

5. Controller of Examinations
The Tamil Nadu Dr.MGR Medical University
P.B.No.1200, No.69, Anna Salai
Guindy, Chennai 600 032

6. The Government of Tamil Nadu
rep.by the Secretary to Government
Health & Family Welfare Department
Fort St.George, Chennai 600 009

7. The Commissioner of Indian Medicine
& Homeopathy
Commissionerate of Indian Medicine
& Homeopathy
Anna Hospital Campus
Arumbakkam
Chennai 600 106

.. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 to 7 to permit the petitioners herein who are undergoing BAMS Degree Course in Dharma Ayurveda Medical College & Hospital from the academic year 2012-2013 to complete the BAMS Course.

For Petitioners :: No appearance

For Respondents :: Mr.V.Selvaraj for R1
Mr.G.Karthikeyan
Asst.Solicitor General for R2
Mr.K.Vellayaraj for
M/s.V.K.Raj Law Chambers for R3
Mr.K.Udayachandran for
M/s Ramalingam & Associates
for R4 & 5
Mr.V.Kadhirvelu
Special Government Pleader
for R6 & 7



W.P.No.12161 of 2018

1. Agalya Umapathy
2. G.L.Ajitha
3. D.Amirtha Kadesh Abiram
4. S.Ezhil
5. P.Hariharan Sree
6. T.Keerthana
7. V.Mohan Aravind
8. Navin Mukkesh W.M
9. T.Nishanth Kumar
10. S.Nivetha
11. A.Pavithra
12. U.Pradeepa
13. S.Sivakumar
14. K.Venkat Vishal
15. U.Venmani
16. P.S.Dhivya
17. S.K.Ebenezer Samuel
18. S.Eswari
19. Hemalatha.R
20. J.Idhaya Deepan
21. V.Jagadeeswari
22. K.Jaimuruga Raj
23. S.Karthika
24. M.Mallika
25. A.Megala
26. R.Mubeen
27. Natasha Singh
28. Pitchayeeal Ponmani.M
29. Pritha Biswas
30. V.Roopashree
31. S.Subalakshmi
32. B.Vikneswari
33. P.V.Vinusha
34. P.T.Shahna Bincy
35. V.Vaitheeshwari
36. M.Gnanasekaran

.. Petitioners

-vs-

1. Dharma Medical Research &
Charitable Trust
No.48, Grand West Trunk Road
Sriperumbudur 602 105
Kancheepuram District
Tamil Nadu rep.by its Trustee



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2. The Union of India
rep.by the Secretary to Government
Health & Family Welfare Department
Dept. of Ayurveda, Yoga & Naturopathy,
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AYUSH Bhawan, B Block
GPO Complex, INA
New Delhi 110 023
3. Central Council of Indian Medicine
61-65, Institutional Area
Janakpuri, New Delhi 110 058
rep.by its Secretary
4. The Tamil Nadu Dr.MGR Medical University
P.B.No.1200, No.69, Anna Salai
Guindy, Chennai 600 032
rep.by its Registrar
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The Tamil Nadu Dr.MGR Medical University
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For Petitioners :: No appearance

For Respondents :: Mr.V.Selvaraj for R1
 Mr.G.Karthikeyan
 Asst.Solicitor General for R2



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M/s.V.K.Raj Law Chambers for R3
Mr.K.Udayachandran for
M/s Ramalingam & Associates
for R4 & 5
Mr.V.Kadhirvelu
Special Government Pleader
for R6 & 7

ORDER

Mr.V.Selvaraj, learned counsel for the petitioner-Trust running Dharma Ayurveda Medical College & Hospital at No.48, Grand West Trunk Road, Sriperumbudur, Kanchipuram District, stated that the Government of India granted recognition on 23.7.2019 for admission of students for the academic year 2019-20 based on the inspection report dated 24.6.2019. As the said inspection report confirms the fact that the petitioner college has fulfilled all the requisite norms for the grant of recognition for the academic year 2018-19, it goes without saying that the petitioner college is having the requisite infrastructural facilities for running the Ayurveda Medical College & Hospital. Therefore, when the petitioner admitted 39 students during the academic year 2014-15 rightly and out of 39 students, 22 students were admitted under the Government quota, in view of the problem faced by the petitioner college not permitting the students to write the examination on account of the delay in the grant of recognition, the petitioner college also approached this Court and obtained an order of interim direction permitting the students to write the examination and that the students have also written the examination based upon the order passed by this Court. As it is an admitted fact that by the order dated 25.4.2019 passed by this Court, the Central Council of Indian Medicine was directed to inspect the college, if necessary, with police help and to submit a report within six weeks, an inspection was subsequently carried out and the inspection report also indicated that the petitioner college is having all the requisite infrastructural facilities. Therefore, when the inspection report clearly indicated that the petitioner college has complied with all the requisite infrastructural facilities and norms for the grant of recognition, the Secretary to Government of India, namely, the Department of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy (AYUSH), Ministry of Health and Family Welfare has granted recognition to the petitioner college with an intake of 40 seats in UG (BAMS) Course for the academic year 2019-20 under Section 13A/13C of the Indian Medicine Central Council Act, 1970. Mr.V.Selvaraj also produced the letter dated 22.9.2014 issued by the Tamil



Nadu Dr.M.G.R.Medical University to the Principal of Dharma Ayurveda Medical College & Hospital requesting the college Principal to send the individual copy of the Central Council of Indian Medicine for seat matrix for the academic year 2014-15 and copy of the AYUSH approval for the academic year 2008-10 to 2014-15 so as to enable the University to inform the seat matrix to the Indian Medicine & Homeopathy, Chennai and issue of Continuance of the Provisional Affiliation order to the petitioner institution for conducting B.A.M.S. Degree Course for the academic year 2014-15 with a further request to remit the University Administrative Expenses Fee, Inspection Fee and Continuance of Provisional affiliation fee as per the demand note.

2. Heard learned counsel for the parties.

3. A perusal of the order dated 22.9.2014 issued by the Tamil Nadu Dr.M.G.R.Medical University also shows that the inspection report pertaining to the petitioner institution for the purpose of granting Continuance of Provisional Affiliation for B.A.M.S. Degree Course for the academic year 2014-15 was reviewed by the Affiliation Sub Committee in its meeting held on 22.7.2014 and a recommendation was made to issue Continuance of Provisional Affiliation for the academic year 2014-15 in respect of B.A.M.S. Degree Course run by the petitioner college. Therefore, when the prayers sought for by the petitioner(s) have already been granted, no further issue arises for adjudication in these writ petitions. Accordingly, in view of the aforementioned facts, the writ petitions stand disposed of. Consequently, M.P.Nos.1, 2, 3 of 2014, 1, 2 of 2015, W.M.P.Nos.10554 of 2016, 12487 of 2017, 11720, 14182, 14184 of 2018, 14468 of 2019 are closed. No costs.

Sd/-

Assistant Registrar (C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of India
Health & Family Welfare Department
Dept. of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy (AYUSH)
AYUSH Bhawan, B Block
GPO Complex, INA New Delhi 110 023

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- +1 cc to M/s.G.Karthikeyan, Advocate Sr.No. 94566
+1 cc to M/s.V.Selvaraj, Advocate Sr.No. 94286
+1 cc to M/s.V.K.Raj Law Chambers, Advocate Sr.No.94007

AKM/20.01.2020/10P-11C /

W.P.Nos.27773, 5754 of 2014,
12160, 12161 of 2018