

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.21207 of 2019
and W.M.P.Nos.20415, 20416 & 20418 of 2019

The Principal,
RVS Homeopathic Medical College,
242-B, Trichy Road, Sulur,
Coimbatore-641 402
Coimbatore District.

.. Petitioner

/versus/

1. The Union of India,
Rep.by its Secretary,
Department of Health & Family Welfare,
(Department of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy (AYUSH),
IRCS Building, 1st Red Cross Road, New Delhi.
2. The Central Council of Homeopathy,
Rep.by its Secretary,
No.61-65, Institutional Area,
Opp.'D' Block, Janakpuri,
New Delhi-110 058.
3. The Commissioner of Indian Medicine,
and Homeopathy, Arumbakkam,
Chennai-600 106.
4. The TN Dr.M.G.R.Medical University,
Rep.by its Registrar,
No/69/40, Anna Salai,
Guindy, Chennai-600 032.

.. Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide File No.R.14014/199/2019-EP-II dated 14.06.2019 denying permission to admit students to the BHMS course in the petitioner's RVS Homeopathic Medical College

at Sulur, Coimbatore in the academic year 2019-2020, quash the same and further direct the respondents to permit the petitioner's college to admit students for the academic year 2019-2020.

For Petitioner : Mr.P.Godson Swaminath
for M/s.Isaac Chambers

For Respondent : No appearance for R1 & R3

: Mr.G.Karthikeyan
Asst.Solicitor General for R2

Mr.D.Ravichander for R4

O R D E R

Heard the learned counsel for the petitioner and the learned counsels for the respondents.

2. On perusal of the affidavit filed in respect of the writ petition and in the counter affidavit, this Court finds that the petitioner's institute was found deficiency in infrastructure and therefore, Homeopathy Council has denied permission to the petitioner's college to admit students for the current academic year 2019-2020.

3. The contention of the petitioner is that the defects pointed out during the inspection has been rectified. Before the Hearing Committee, the institute has submitted all the relevant particulars to satisfy them that defects were rectified, however, the Hearing Committee has denied permission to admit students. Hence, seeking for Certiorarified Mandamus to quash the order passed by the 1st respondent on 14.06.2019.

4. In the counter, it has been elaborately stated regarding the power of the Central Council to cause inspection and the power of the 1st respondent to deny permission to admit students in case of deficiency in infrastructure. Without adverting the other contentious aspects, the learned counsel for the petitioner state across the bar that even now if the 1st respondent causes inspection, they are ready to substantiate their compliance.

5. The learned Standing counsel for the 1st respondent states that the Council is ready to cause inspection within time stipulated, if ordered by Court.

6. Considering the submissions and taking note of the fact that the admission process for AYUSH is not yet over, it is suffice to direct the 1st respondent to re-inspect the petitioner's institute within a period of three weeks from today and if the petitioner's institute satisfies all the necessary requirements, the 1st respondent shall consider for granting permission to the petitioner's institute for admitting the students for the academic year 2019-2020.

7. With the above directions, the writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpl
To

1. The Secretary, The Union of India,
Department of Health & Family Welfare,
(Department of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy (AYUSH),
IRCS Building, 1st Red Cross Road, New Delhi.
2. The Secretary,
The Central Council of Homeopathy,
No.61-65, Institutional Area,
Opp.'D' Block, Janakpuri, New Delhi-110 058.
3. The Commissioner of Indian Medicine,
and Homeopathy, Arumbakkam, Chennai-600 106.
4. The Registrar,
TN Dr.M.G.R.Medical University,
No/69/40, Anna Salai, Guindy, Chennai-600 032.

+1cc to M/s.Isaac Chambers, Advocate, S.R.No.84828
+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.84963

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CP(CO)
CS/10/10/2019