

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.No.34715 of 2019
and W.M.P.No.35471 of 2019

Acupuncture Healers Federation (India)
(Regd.), Rep. by its President,
Mr.Bose K.Mohamed Meera. ... Petitioner

-vs-

- 1.The State of Tamilnadu,
rep. by its Secretary,
Health Department,
Fort St. George, Chennai-9.
- 2.The Director of Medical and Rural
Health Services, DMS Campus,
Teynampet, Chennai 600 006. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of writ of Declaration to declare that the Tamil Nadu Clinical Establishments (Regulation) Act No.19/2018 and the Tamil Nadu Clinical Establishments (Regulation) Rules, 2018, framed under the said Act No.19/2018, are not applicable to duly qualified acupuncture therapists like the members of the Petitioner Association and null and void.

For Petitioner : Mr.V.Raghavachari
for Mr.B.Murugavel

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader

ORDER

(Order of the Court was made by Subramonium Prasad, J.)

The instant writ petition is for a writ declaring that the Tamil Nadu Clinical Establishments (Regulation) Act No.19/2018 (hereinafter called as the 'Act' for short) and the Tamil Nadu Clinical Establishments (Regulation) Rules, 2018, are not applicable to the duly qualified Acupuncture therapists like the members of the Petitioner Association.

2. Material on record disclosed that one Mr.P.Selvaraj, who is a member of the association and who is running an Acupuncture clinic in Karaikkudi, moved an application for registration under the Act before the Joint Director of Health and Rural Services, Sivagangai District, on 19.09.2018. By letter dated 20.09.2018, his application was rejected and the rejection order reads as under:-

BY RPAD

N.DIS.No.3090/E3/2018 dated 20.09.2018

Since the system of acceptance has not been covered under Tamil Nadu Clinical Establishment Rule 2018, your application in original and Demand draft for Rs.500/- are herewith returned. Please kindly acknowledge the receipt of this same at once.

You are also instructed that uncovered treatment and other thereby under Clinical Establishment Rules 2018 may be treated as illegal.

3. In view of the said order, there is no requirement to grant the writ as prayed for nor is there any cause of action for interference under Article 226 of the Constitution of India.

The Writ Petition is dismissed. There shall be no order as to costs. Consequently, W.M.P.No.35471 of 2019 is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

sra

To

1.The Secretary to Govt. of Tamilnadu,
Health Department,
Fort St. George, Chennai-9.

2.The Director of Medical and Rural
Health Services, DMS Campus,
Teynampet, Chennai 600 006.

+1cc to Mr.B.Murugavel, Advocate, SR.No.106099.

+1cc to Government Pleader, SR.No.106684.

W.P.No.34715 of 2019

VD(CO)
CSR: 18.02.2020



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