



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.12226 of 2019

and

W.M.P. (MD) Nos.9182 and 9406 of 2019

Immanuel Assar International Institute of Science
& Technology Educational & Charitable Trust,
Marthandam,
Kanyakumari - 629 165.
Rep. by its Founder Trustee/Chairman,
Dr.Sam G.Jeba Joselin, M.D.

.. Petitioner

Vs.

- 1.The Union of India,
Rep. by Ministry of Ayurveda, Yoga &
Naturaopathy, Unani, Siddha &
Homeopathy (AYUSH),
Ayush Bhavan, B-Block,
GPO Complex, INA,
New Delhi - 110 023.
- 2.The Central Council of Indian Medicine,
Rep. by its Secretary,
61-6, Institutional area,
Janakapuri, New Delhi - 110 058.
- 3.The Additional Chief Secretary-cum-
Commissioner of Indian Medicine & Homeopathy,
Arumbakkam, Chennai - 600 106.
- 4.The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to approve the petitioner College for conducting BAMS course under the fourth respondent herein from the academic year 2019-2020 and consequently, permit the petitioner herein both to participate in the Counselling for admission conducted by the respondents 3 and 4 and to have admission for BAMS Course into the petitioner College for the academic year 2019-2020.



For Petitioner : Mr.C.Jeganathan
for M/s.Veera Associates

For R1 : Mr.Karthikeya Venkatachalapathy
Central Government Senior Standing
Counsel

For R3 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For R4 : Mr.C.Karthick

ORDER

The prayer sought for in this Writ Petition is, to direct the respondents 1 and 2 herein to approve the petitioner College, for conducting BAMS course under the fourth respondent herein from the academic year 2019-2020 and consequently, permit the petitioner herein both to participate in the Counselling for admission conducted by the respondents 3 and 4 and to have admission for BAMS Course into the petitioner College for the academic year 2019-2020.

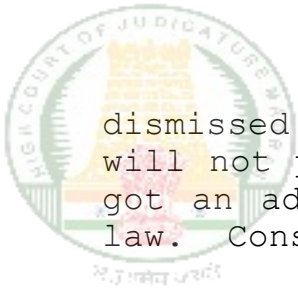
2.Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner, Mr.Karthikeya Venkatachalapathy, learned Central Government Senior Standing Counsel appearing for the first respondent, Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader appearing for the third respondent and Mr.C.Karthick, learned Standing Counsel appearing for the fourth respondent.

3.Today, when the case is taken up for hearing, the learned counsel appearing for the petitioner submitted that, during the pendency of the Writ Petition, the first respondent had passed an order rejecting the application of the petitioner College for grant of approval of BAMS Course for the academic year 2019-2020. However, the learned counsel for the petitioner is not in a position to produce the said rejection order copy.

4.The learned Central Government Senior Standing Counsel appearing for Union of India endorsed the said stand taken by the petitioner that they have already rejected the request of the petitioner.

5.In this regard, the learned counsel appearing for the petitioner fairly submits that, once the rejection order is passed by the authorities, the petitioner can work out his remedy by assailing the order, if he is so advised. Therefore, the relief sought for in the Writ Petition has become infructuous.

6.I have considered the submissions made on either side and also by recording the same, since the prayer sought for in the Writ Petition has become infructuous, accordingly, this Writ Petition is



dismissed as infructuous. No costs. However, this dismissal order will not preclude the petitioner, from agitating the matter, if he got an adverse order from the respondent, in the manner known to law. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Union of India,
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Arumbakkam, Chennai - 600 106.
- 4.The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032.

+1CC TO MR.C.KARTHIK, Advocate Sr. No.67568

+1CC TO MR.M.KARTHIKEYA VENKITACHALAPATHY, Advocate Sr.

No.67155

+1CC TO MR.VEERA ASSO., Advocate Sr. No.67654

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.67391

W.P. (MD) No.12226 of 2019

06.06.2019

NR(CO)

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