

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Thirty First day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WP(MD) No.13038 of 2019

IMMANUEL ARASAR INTERNATIONAL
INSTITUTE OF SCIENCE & TECHNOLOGY
EDUCATIONAL & CHARITABLE TRUST,
MARTHANDAM, KANYAKUMARI DISTRICT.
REP.BY ITS FOUNDER TRUSTEE / CHAIRMAN,
DR.SAMG.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-23.
- 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 TAMILNADU
DR.MGR MEDICAL UNIVERSITY,
NO.69, ANNA SALAI, GUINDY,
CHENNAI-32.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in F.No: L-14012/26/2018 EP(IM-1) dated 28/05/2019 quash the same and consequently directing the respondents 1 & 2 herein approve the

petitioner college for conducting BAMS course under the 4th respondent herein from the academic year 2019-2020 and consequently permit the petitioner herein both to participate in the counselling for admission conducted by respondents 3 & 4 and to have admission for BAMS course into the petitioner's college for the accademic year 2019-2020.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.VEERAKATHIRAVAN, Senior Counsel for M/S.VEERA ASSOCIATES, Advocate for the petitioner and of Mr.G.RAJARAMAN, Central Government Standing Counsel for R1, Mr.N.DILIP KUMAR, Advocate for R2, Mr.BHAGAVATHY, Government Advocate for R3 and Mr.C.KARTHICK, Advocate for R4, the court made the following order:-

After the deficiencies pointed out by the Central Council of Indian Medicine [CCIM] through their Inspection Report, it seems that the first respondent i.e., the Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy (Ayush), had given a hearing before the Hearing Committee on 23.04.2019 and before such hearing committee, the representative of the petitioner's Institution appeared and in respect of all the 29 queries raised by the Hearing Committee, according to the petitioner, satisfactory reasons have been given and compliance report with proof and documents had also been given.

2.In this context, the perusal of the minutes recorded by the Hearing Committee on the date of hearing discloses that, in respect of each of the 29 queries, the reply and compliance with proof given by the petitioner have been recorded. However, the observation and conclusion or recommendation of the Hearing Committee against each of such queries and its compliance had not been mentioned in the said proceedings of the Hearing Committee's minutes. However, in the impugned order dated 28.05.2019, at Paragraph 8, it has been stated that, the Hearing Committee considered the oral as well as written submissions of the representatives of the applicant Trust [Petitioner] and made certain observations.

3.By citing the same, the observation in respect of all the 29 queries, as if they have been given by the Hearing Committee, have been mentioned at Paragraph 8 of the impugned order.

4.Whereas, such observation report has not been made available before this Court by the first respondent. Hence, this Court wants such observation report submitted by the Hearing Committee to the Ministry, enabling the Ministry to take a decision to pass the present impugned order. Hence, it is directed that, the first respondent shall file such observation report of the Hearing Committee before this Court on the next hearing date and for the said purpose, post the matter on 06.08.2019 and the information as to whether the said observation report of the Hearing Committee has

been furnished to the petitioner before passing the impugned order, also shall be furnished in writing by the representative of the first respondent.

sd/-
31/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE UNION OF INDIA,
REP.BY MINISTRY OF AYURVEDA,
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DR.MGR MEDICAL UNIVERSITY,
NO.69, ANNA SALAI, GUINDY,
CHENNAI-32.

+1CC TO Mr.N.DILIPKUMAR, Advocate, Sr No.12731

ORDER
IN

WP(MD) No.13038 of 2019
Date :31/07/2019

MS/VR/SAR-4/05.08.2019/3P.6C