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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

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THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4274 of 2020

V.Ramalingam
President of the Traditional Acupuncturist Organization,
Having Office at
10/85, Sedan Thottam,
G.N.Mills (PO),
Coimbatore. ... Petitioner

VS

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Secretariat Buildings,
Fort St.George,
Chennai 600 001.
2. The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
359, Anna Salai,
Chokkalingam Nagar,
Teynampet,
Chennai 600 006. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to directing the respondents to consider and pass orders on the representation dated 07.12.2019 submitted by the petitioner.

For Petitioner : Mr.Govind Chandrasekhar

For Respondents: Mr.R.Govindasamy

Special Government Pleader

O R D E R

This writ petition is filed seeking for a mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 07.12.2019, submitted by the petitioner, wherein and whereby, he sought for exemption from Tamilnadu Clinical Establishments (Regulation) Act and the Tamilnadu Clinical Establishments Act (Regulation) Rules 2018 in respect of acupuncture therapist like the petitioner.



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2. It is seen that a similar issue was considered by the Division Bench of this Court in W.P.No.34715 of 2019, where the First Bench of this Court, after recording the order passed in similar representation, dismissed the writ petition. The whole order of the Division Bench reads as follows:

"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 therapy 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."

3. In view of the above said order, I do not think that the petitioner is entitled to for considering his representation dated 07.12.2019, arising out of the same issue. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri



To

1. The Secretary to Government of Tamilnadu,
Health and Family Welfare Department,
Secretariat Buildings,
Fort St.George,
Chennai 600 001.

2. The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
359, Anna Salai,
Chokkalingam Nagar,
Teynampet,
Chennai 600 006.

+1cc to Government Pleader,Sr.No.21686

W.P.No.4274 of 2020

RJI (CO)
GS(10/07/2020)