

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WP.No.7681 of 2020

J.Jesiah Anto Poovendan

Petitioner

Versus

1.The State of Tamil Nadu
rep.by its Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai 9.

2.The Director of Public Health,
and Preventive Medicine,
D.M.S.Complex,
Teynampet, Chennai 600 018.

3.The Director,
Indian Medicine and Homeopathy,
Arumbakkam, Chennai 106.

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to provide ARSENICUM ALBUM 30 Homeopathy medicine to all the Public and Quarantine Persons thereby increasing the Innate Immunity Individuals (self-healing mechanism of the body) by implementing G.O.Ms.No.201 Health and Family Welfare (IM-1) Department dated 23.04.2020 with free of cost forthwith.

For Petitioner : M/s.T.Dharani

For Respondents: Mr.V.Jayaprakash Narayan, GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

(1)The petitioner claims to be a Homeopathy Practitioner and has been awarded Bachelor Degree in Homeopathic Medicine and Surgery [B.H.M.S] by the Tamil Nadu Dr. MGR Medical University

during the year 2003-09 and he is also registered with the Tamil Nadu Homeopathy Medical Council constituted by the Government of Tamil Nadu and got Certification as a qualified person to practice in Homeopathy system of medicine. The petitioner also would state that he has also completed M.D [Homeopathy] on 06.01.2015 and as such, he is having expertise in the said form of medicine and also claims that he is rendering sincere and unblemished service to the public at large in Homeopathic medicine. He came forward to file the present writ petition styled as a Public Interest Litigation, by stating among other things that Homeopathy system of medicine is the second largest next to allopathy medicine and the said system has been formulated by Dr.C.F.S.Hahnemann, who was an Allopathic doctor and the said system of medicine cures illness and not the patients inflicted with illness.

- (2) The learned counsel for the petitioner has invited the attention of this Court to the Advisory dated 06.03.2020 issued by the Ministry of Ayush for meeting the challenge arisen out of the spread of COVID-19 virus to the Indians as well as G.O.Ms.No.201, Health and Family Welfare Department of the Government of Tamil Nadu dated 23.04.2020 and would submit that though the Government of Tamil Nadu had considered the Advisory and issued necessary guidelines as to the administration of traditional medicines which include homeopathy, no required awareness has been created among the public in the form of wide publicity as to the taking of the said medicines.
- (3) According to the learned counsel for the petitioner, the taking of homeopathy medicines prescribed in G.O.Ms.No.201, Health and Family Welfare Department dated 23.04.2020 [cited supra], develops immunity and it would definitely contain the spread of the on-going COVID-19 pandemic virus and therefore, prays for appropriate direction, by directing the Government of Tamil Nadu to strictly implement the above cited Government Order as well as give wide publicity as to the prescription and use of the traditional forms of medicine / medical practices including homeopathy.
- (4) Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the respondents and on instructions, he would submit that to spread awareness for using and taking traditional systems of medicine, 100 Centres have been created all over Tamil Nadu which include the quarantine Centres as well as hospitals and adequate awareness has also been spread among the public as to the use of the traditional system of medicine to develop immunity and as far as persons who are quarantined or admitted in the hospitals for treating COVID-18 are concerned, they have also been informed about the benefits of the said medicines and if they are consenting and willing,

they have been administered with the said medicines also and in the light of the same, nothing remains for any adjudication in this writ petition and prays for dismissal of the same.

(5) This Court has carefully considered the rival submissions and also perused the materials placed before it.

(6) The Ministry of Health and Family Welfare, Government of India, had issued a Summary of Guidelines as to the spread and containment of COVID-19 pandemic virus and Source 52 - Ayush Press Release ID No.1609524 dated 31.03.2020 and yet another Press Release bearing ID No.1609523 dated 31.03.2020 speak about the importance of the immunity boosting measures to be undertaken on exhibition of symptoms etc., and the Ministry has also invited inputs from Ayush Practitioners and Ayush Institutions which include Colleges/Universities, Hospitals, Research Institutions, Ayush Manufacturers, Ayush Associations etc., and it can be submitted on the Ministry's website at the following link, viz., <http://ayush.gov.in/covid-19>. That apart, a careful scrutiny of the Advisory issued by the Ministry of Ayush, Government of India, dated 06.03.2020 as well as G.O.Ms.No.201, Health and Family Welfare Department of Government of Tamil Nadu dated 23.04.2020 would also disclose that following the Advisory, the Government of Tamil Nadu has also taken necessary efforts to spread the information as to the prescription and taking of the traditional system of medicine to develop immunity against the spread of COVID-19 virus.

(7) This Court can also take judicial notice of the fact that through social medias also, awareness is being spread as to the use of traditional systems of medicines and in the light of the above facts and circumstances, the grievance expressed by the petitioner, who himself is a homeopathic practitioner, has been well addressed by the Government of Tamil Nadu. The Government of Tamil Nadu shall also follow it up at a regular intervals as to the implementation and strict compliance of the above cited Government Order in G.O.Ms.No.201 dated 23.04.2020 and also shall do periodical review in this regard.

(8) In the light of the reasons assigned above, no orders are necessary in this writ petition and therefore, it is closed. No costs.

Sd/-

Assistant Registrar (Writ)

//True Copy//

Sub Assistant Registrar

AP

To

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KS (CO)
GN(06/08/2020)



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