

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NOS.24030 & 24783 OF 2017

AND

W.M.P.NOS.25342 TO 25344 & 26168 AND 26169 OF 2017

W.P.No.24030 of 2017 :-

1. A.T.S.V.S.Siddha Medical College & Hospital,
(Run by Akila Thiruvudhancode Siddha Vaidhya Sangam),
Munchirai, Pudukkadam (P.O.),
Kanyakumari District-629 171,
Rep., by its Interim Administrator,
Justice A.Ramamurthi (Retired)
2. The Principal,
A.T.S.V.S.Siddha Medical College & Hospital,
(Run by Akila Thiruvudhancode Siddha Vaidhya Sangam),
Munchirai, Pudukkadam (P.O.),
Kanyakumari District-629 171, ... Petitioners

-vs-

1. The Under Secretary,
Government of India,
Ministry of Ayush,
Ayush Bhavan, 'B' Block,
GPO Complex, INA,
New Delhi-110 023.
2. The Secretary,
Central Council of Indian Medicine (CCIM),
61-65, Institutional Area, Janakpuri,
New Delhi-110 058.
3. The Government of Tamil Nadu,
Rep., by Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai-600 009.
4. The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai-600 032.

5. The Commissioner of Indian Medicine &
Homeopathy, Arumbakkam,
Chennai-600 106.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in respect of the impugned order in F.No.R.13013/01/2016-EP(IM-1), Government of India, Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy (AYUSH), Ayush Bhawan, 'B' Block, GOP Complex, 110 023, INA, New Delhi-110 023, dated 06.07.2017, quash the same with the consequential direction to the respondents herein to grant permission to the petitioner college for the admission of 60 students in the 1st year B.S.M.S. (Siddha) Course as per MSR 2013 and MSR 2016.

W.P.No.24783 of 2017 :-

1. A.T.S.V.S.Siddha Medical College & Hospital,
(Run by Akila Thiruvudhancode Siddha Vaidhya Sangam),
Munchirai, Pudukkadai (P.O.),
Kanyakumari District-629 171,
Rep., by its Interim Administrator,
Justice A.Ramamurthi (Retired)

2. The Principal,
A.T.S.V.S.Siddha Medical College & Hospital,
(Run by Akila Thiruvudhancode Siddha Vaidhya Sangam),
Munchirai, Pudukkadai (P.O.),
Kanyakumari District-629 171,

.. Petitioners

-VS-

1. Government of India,
Rep., by Secretary to Government,
Ministry of Ayush,
Ayush Bhavan, 'B' Block,
GPO Complex, INA,
New Delhi-110 023.

2. The Under Secretary,
Government of India,
Ministry of Ayush,
Ayush Bhavan, 'B' Block,
GPO Complex, INA,
New Delhi-110 023.

3. The Secretary,
Central Council of Indian Medicine (CCIM),
61-65, Institutional Area, Janakpuri,
New Delhi-110 058.
4. The Government of Tamil Nadu,
Rep., by Principal Secretary,
Health & Family Welfare Department,
Fort St. George, Chennai-600 009.
5. The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy, Chennai-600 032.
6. The Principal Secretary/Commissioner,
Government of Tamil Nadu,
Directorate of Indian Medicine & Homeopathy,
Arignar Anna Govt. Hospital Campus,
Arumbakkam, Chennai-600 106. ... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in respect of the impugned order in F.No.R.17013/04/2017-EP (IM-1), Government of India, Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy (AYUSH), Ayush Bhawan, 'B' Block, GOP Complex, 110 023, INA, New Delhi-110 023, dated 04.08.2017 passed by the 2nd respondent herein with approval of competent authority, the 1st respondent herein granting condition permission to the petitioner's college with 40 seats in B.S.M.S. Course for the Academic Year 2017-2018 and quash the same with the consequential direction to the respondents herein to grant permission for the admission of 60 students in 1st year of B.S.M.S. Course in A.T.S.V.S. Siddha Medical College and Hospital at Munchirai, Pudukkadai (Post), Kanyakumari District - 629 171, from the Academic Year 2017-18.

For Petitioner : Mr.C.V.Vijayakumar
(In both W.Ps.)

For Respondents : RR1 & 2 - Mr.B.Rabu Manohar,
(In W.P.No.24030/2017) Standing Counsel

: RR3 & 5 - Akil Akbar Ali,
Government Advocate

: R4 - Mr.D.Ravichander

For Respondents : RR1 & 2 - Mr.B.Rabu Manohar,
(In W.P.No.24783/2017) Standing Counsel
: R3 - Mr.C.Kanagaraj
: RR4 & 6 - Akil Akbar Ali,
Government Advocate
: R5 - Mr.D.Ravichander

COMMON ORDER

Heard the learned counsel for the petitioners and the learned counsels for the respondents.

2.W.P.No.24030 of 2017 has been filed to quash order passed by the 1st respondent in F.No.R.13013/01/2016-EP(IM-1) dated 06.07.2017, and for a consequential direction upon the respondents to grant permission to the petitioner College for the admission of 60 students in the 1st year B.S.M.S. (Siddha) Course as per MSR 2013 and MSR 2016.

3.W.P.No.24783 of 2017 has been filed to quash the order dated 04.08.2017 made in F.No.R.17013/04/2017-EP (IM-1), passed by the 2nd respondent with the approval of the 1st respondent granting condition permission to the petitioner's college with 40 seats in B.S.M.S. Course for the Academic Year 2017-2018 and for a consequential direction upon the respondents to grant permission for the admission of 60 students in 1st year of B.S.M.S. Course in A.T.S.V.S.Siddha Medical College and Hospital at Munchirai,

4.As rightly pointed out by Mr.Rabu Manohar, learned Standing Counsel, nothing would survive for adjudication in these writ petitions, which pertain to admission to the I Year B.S.M.S. Course for the academic session 2017-18.

5.The petitioners now seek for certain observations from this Court on account of certain subsequent developments. It is submitted that the Government of Tamil Nadu has granted No Objection Certificate and the Tamil Nadu Dr.M.G.R.Medical University has also given in principle approval enabling the petitioners to apply to the second respondent. Therefore, these writ petitions are closed, as nothing survives for adjudication and the petitioners are permitted to pursue the matter before

the second respondent based upon the approval granted by the State of Tamil Nadu and the in principle approval granted by the Tamil Nadu Dr.M.G.R.Medical University. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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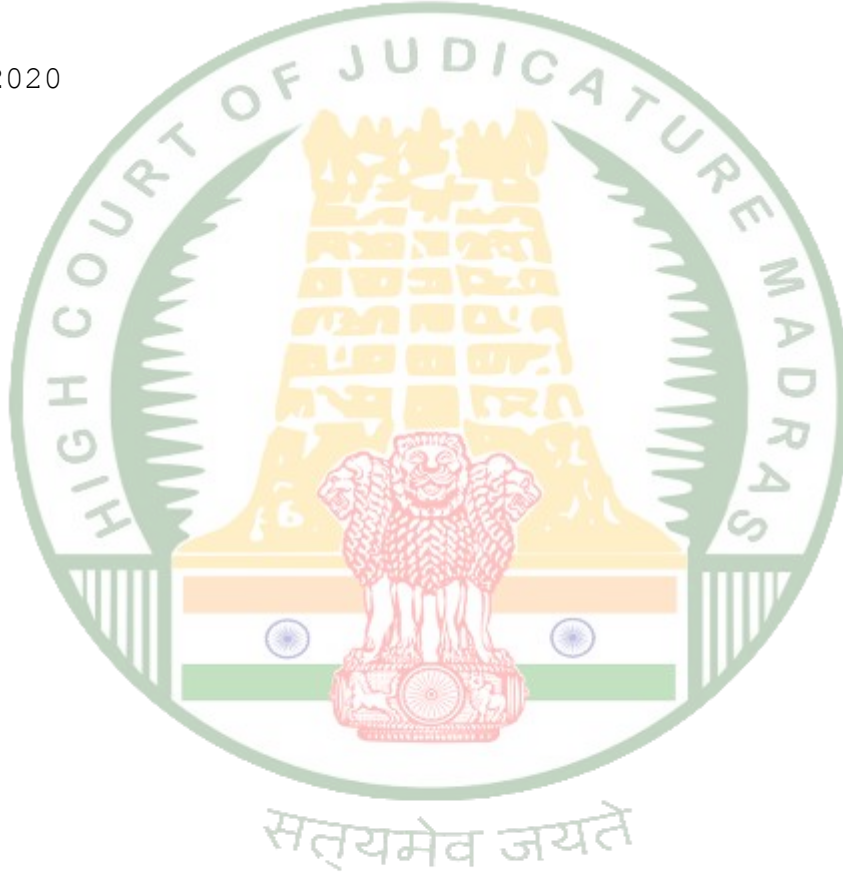
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Directorate of Indian Medicine & Homeopathy,
Arignar Anna Govt. Hospital Campus,
Arumbakkam, Chennai-600 106.

+1cc to Mr.C.V.Vijayakumar, Advocate, S.R.No.23027
+2cc to Mr.B.Rabu Manohar, Advocate, S.R.No.22828 & 22829
+1cc to the Government Pleader, S.R.No.23213

W.P.Nos.24030 & 24783 of 2017

NR(CO)
CS/20/07/2020



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