



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE N.ANAND VENKATESH

WMP.No.23082 of 2021

IN WP.NO.4413 of 2021

DHARMA MEDICAL RESEARCH AND [PETITIONER]
CHARITABLE TRUST,
NO.48, GRAND WEST TRUNK ROAD,
SRIPERUMBUDUR - 602 105
KANCHEEPURAM DISTRICT,
TAMIL NADU, REP BY ITS TRUSTEE.

Vs

1 THE UNION OF INDIA [RESPONDENTS]
REP.BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF AYUSH, AYUSH BHAWAN,
B BLOCK, GPO COMPLEX, INA,
NEW DELHI- 110 023.

2 THE UNDER SECRETRY TO GOVERNMENT OF
INDIA, MINISTRY OF AYUSH, AYUSH BHAWAN,
B BLOCK, GPO COMPLEX, INA,
NEW DELHI- 110 023.

3 CENTRAL COUNCIL OF INDIAN MEDICINE
61-65, INSTITUTIONAL AREA,
JANAKPURI, NEW DELHI- 110 058,
REP.BY ITS SECRETARY.

4 THE GOVERNMENT OF TAMILNADU
REP. BY THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
FORT, ST. GEORGE, CHENNAI- 9.

5 THE DIRECTOR OF INDIAN MEDICINE AND
HOMOEOPATHY, DIRECTORATE OF INDIAN
MEDICINE AND HOMOEOPATHY,
ANNA HOSPITAL CAMPUS,
ARUMBAKKAM, CHENNAI- 106.

6 THE REGISTRAR
THE TAMILNADU DR.M.G.R MEDICAL UNIVERSITY
P.B.NO. 1200, NO.69, ANNA SALAI,
GUINDY CHENNAI- 600 032.



7 THE CONTROLLER OF EXAMINATION
THE TAMILNADU DR.M.G.R MEDICAL UNIVERSITY
P.B.NO. 1200, NO.69,ANNA SALAI,
GUINDY CHENNAI- 600 032.

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Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct respondents 6 and 7 to publish the results of 1. Dhivya.S, 2.Gopika M, 3. Kadambaree V.M., 4. Karthika C, 5. Pavithra G, 6. Srikanth S.V., 7. Akshya P, 8.Anushree, 9. Dinesh S.R., 10. Joseph Job, 11. Keerthana S, 12. Malar Vizhi S, 13. Oddashetty Gowri T., 14. Prakruthy Raj, 15. Vipin G.Nair admitted to BAMS Degree course in the Dharma Ayurveda Medical College and Hospital, Sriperumbudur during the academic year 2018-2019 and who wrote the First Year Public Examinations during October 2019 and permit the students to appear for the public examinations commencing from 20/10/2021 for the second year BAMS and to appear for the First year BAMS Examinations commencing on 01/11/2021 in the case of students who have failed in the First Year Examinations (IN WMP.No.23082/2021) pending disposal of the WP.NO.4413/2021

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.SELVARAJ, for M/S.D.JAYASINGH, Advocate for the petitioner and of MR.S.MUTHUSAMY, ACGSC for the 1st Respondent, the court made the following order:-

This Court had an occasion to deal with the entire issue in the earlier writ petition filed in W.P.No.26902 of 2018. During the course of arguments, certain serious allegations were made on the side of the petitioner. In fact, after counter affidavit was filed, every one came to know that the Central Council had recommended for the grant of approval. Therefore, there were two reports contradicting each other. When this writ petition was disposed of by an order dated 05.11.2019, this court gave the following directions.

30.In the light of the above submissions and taking into consideration the fact that 40 students who have been admitted pursuant to the interim order passed by this Court, the second respondent is directed to send a visiting team to the petitioner Institute to assess the availability of infrastructure facilities required for the compliance of the regulation 2016. If the petitioner Institute has fulfilled all the requirements, the admission of 40 students for the academic year 2018-2019 shall be ratified and if not, their admission by virtue of interim order shall not be ratified.

2. Pursuant to the above order, the impugned proceedings dated 27.01.2020 came to be issued by the 2nd respondent. Till date no counter affidavit has been filed and all the respondents have already been served.



3. The present writ miscellaneous petition has been filed to direct the 6th and 7th respondents to publish the first year result in order to enable the students to ascertain if they have already completed the first year and in case they have failed, to permit them to write the arrears examination for the first year. If in case, the students have passed in the first year, they can proceed to take the examination for the 2nd year that is commencing from 20.10.2021. In any case, the students will be entitled to take the examination for the second year even without any directions issued by this Court. The interim directions are required for publishing the result for the first year only to enable the students to write the papers in the first year, if in case, they have failed in the same. It is also stated that the first year examination is commencing from 01.11.2021.

4. Taking into consideration, the interest of the students and also of the fact that the balance of convenience is in favour of the petitioner Institution, the interim direction as sought for in this petition is granted by this Court. It goes without saying that this interim order is subject to the final result in the writ petition.

5. This writ miscellaneous petition is disposed of accordingly.

-sd/-
07/10/2021

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNEMENT
THE UNION OF INDIA, MINISTRY OF AYUSH, AYUSH
BHAWAN, B BLOCK, GPO COMPLEX, INA,
NEW DELHI-110 023

2 THE UNDER SECRETARY TO
GOVERNMENT OF INDIA, MINISTRY OF AYUSH,
AYUSH BHAWAN, B BLOCK, GPO COMPLEX, INA,
NEW DELHI-110 023

3 THE SECRETARY
THE CENTRAL COUNCIL OF INDIAN MEDICINE,
61-65, INSTITUTIONAL AREA, JANAKPURI,
NEW DELHI-110 058



THE GOVERNMENT OF TAMILNADU, HEALTH & FAMILY
WELFARE DEPARTMENT, FORT ST. GEORGE,
CHENNAI-9

5 THE DIRECTOR OF INDIAN
MEDICINE AND HOMOEOPATHY DIRECTORATE OF INDIAN
MEDICINE AND HOMOEOPATHY, ANNA HOSPITAL CAMPUS,
ARUMBAKKAM, CHENNAI-106

6 THE REGISTRAR
THE TAMIL NADU DR.MGR MEDICAL UNIVERSITY
P.B.NO.1200, NO.69, ANNA SALAI, GUINDY,
CHENNAI-600 032

7 THE CONTROLLER OF EXAMINATION
THE TAMIL NADU DR. MGR MEDICAL UNIVERSITY
P.B.NO.1200, NO.69, ANNA SALAI, GUINDY,
CHENNAI-600 032

C.C. to M/S.D.JAYASINGH, Advocate SR.NO.5770/2021

Order

in
WMP.No.23082 of 2021

IN WP.NO.4413 of 2021

Date :07/10/2021

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DV(07/10/2021) (IT)