

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30557 of 2019
and W.M.P.No.22251 of 2021

Abdul Rasheed Swadiri

... Petitioner

Vs.

- 1.Union of India
rep.by Secretary,
Ministry of Health and Family Welfare,
Department of Health Research,
IRCS Building, 2nd Floor,
Red Cross Road,
New Delhi 110001.
- 2.Chief Secretary,
State of Tamil Nadu,
Fort St.George, Chennai 600 009.
- 3.The Director General of Police,
State of Tamil Nadu,
Dr.Radhakrishnan Salai,
Chennai 600 004.
- 4.The Open International University,
For Alternative Medicines,
60, Mela Chetty Street,
Kuttalam PO,
Nagapattinam District,
Tamil Nadu 609 801,
rep.by its Chair Person,
Mr.T.Selvaraj
- 5.National Board for Alternative Medicines,
60, Mela Chetty Street,
Kuttalam PO., Nagapattinam District,
Tamil Nadu 609 801.
rep.by its President,
Mr.T.Selvaraj

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 3 to take action on representation dated 28.07.2019 against the respondents 4 and 5 and also to pass any other order.

For Petitioner : Mr.S.M.Murlidharan

For RR1 : Mr.T.V.Krishnamachari (no appearance)

For RR2 and 3 : Mr.D.Ravichander
Special Government Pleader

For RR4 and 5 : no appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents 1 and 3 to take action on representation dated 28.07.2019, against the respondents 4 and 5.

2. The case of the petitioner is that he is the Managing Trustee of the Traditional Propetic Medicine Practitioner's Association Trust in Kerala. It is averred that the respondents 4 and 5 without obtaining valid permission from the authorities concerned, are running their institutions and issuing doctoral degrees and award honorary doctorates to many persons after collecting huge sums of money from them and they neither recognized by the Government of India nor the State Government and they are not even affiliated to any University of India and as such the respondents 4 and 5 have no right to award degree to the students as per Section 3 of the Indian Medical Degrees Act, 1916 and Section 22 of the University Grants Commission Act, 1956. In this regard, the petitioner has sent a representation dated 28.07.2019 to the authorities including respondents 1 and 3 to take action against the respondents 4 and 5 and till date they have not even sent any reply to the representation. Hence the petitioner is constrained to approach this Court by filing this petition.

3. When the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that taking action on the representation of the petitioner, a case was registered against the respondents 4 and 5, based on the complaint lodged by the Assistant Surgeon, General Hospital, Kuthalam, in Cr.No.12 of 2019 dated 11.01.2019, before the Kuthalam Police Station, Nagapattinam for the offences under Section 420, 468, 465, 471 and they were remanded to judicial custody. Now they are not running any

University. Hence, the prayer sought in the present petition has been complied with and prays for closure of this petition.

4. In the light of the above submission made by the learned Special Government Pleader, this Writ Petition is closed as there is nothing survives for further adjudication. No costs. Consequently connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Union of India,
Ministry of Health and Family Welfare,
Department of Health Research,
IRCS Building, 2nd Floor,
Red Cross Road,
New Delhi 110001.

2.The Chief Secretary,
State of Tamil Nadu,
Fort St.George, Chennai 600 009.

3.The Director General of Police,
State of Tamil Nadu,
Dr.Radhakrishnan Salai,
Chennai 600 004.

+1cc to Mr.S.M.Murlidharan, Advocate SR. No.65615

+1cc to Government Pleader SR. No.65785

W.P.No.30557 of 2019

NMI (CO)
PR (11/01/2022)