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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2021

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THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.A. (MD) Nos. 1265 and 1266 of 2020

and

C.M.P. (MD) Nos. 7220 and 7223 of 2020

White Memorial Homeo Medical College Hospital,
Rep. by its Chairman,
Dr. Leela Bai Rajendran,
Having Office at
Veeyanoor Post,
Attoor,
Kanyakummar District - 629 177.

... Appellant in both the W.As.

Vs.

1. Union of India,
Rep. by its Secretary,
Ministry of AYUSH,
New Delhi.
2. The Central Council of Homeopathy Medicine,
Rep. by its Secretary,
No. 61-65, Institutional Area,
New Delhi.
3. The Tamil Nadu Dr. M.G.R. Medical University,
Rep. by its Registrar,
No. 69, Anna Salai,
Guindy,
Chennai.
4. The Commissioner,
Selection Committee,
Indian System of Medicine and Homeopathy,
Anna Hospital,
Arumpakkam,
Chennai - 106.

... Respondents in both the W.As.

Prayer : Appeals filed under Clause 15 of the Letters Patent Act against the order passed by this Court in W.P. (MD) Nos. 16252 and 16286 of 2020, dated 19.11.2020.



Prayer in WP (MD). 16252/ 2020 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the respondents to register the names of the students admitted to 1st year MD course and B.H.M.S., degree course respectively for the year 2019-2020 without insisting the pass in NEET examination by considering the request of the petitioner dated 15.12.2019 and 29.09.2020 respectively in the light of the orders passed in Civil Appeal No. 603 of 2020 of the Honourable Apex court in Union of India -Vs- Federation of Self Finance Ayurvedic Colleges, Panjab and others.

For Appellant in both the W.As.: Mr.S.C.Herold Singh

For R1 and R2 in both the W.As.: Mr.V.Malaiyendran
Central Government Standing
Counsel

* * * * *

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

The appellant herein filed Writ Petitions seeking Writs of Mandamus, directing the respondents to register the names of the Students admitted to the first year M.D. Course and B.H.M.S. Degree Course for the year 2019 - 2020, without insisting the pass in NEET Examination.

2.Upon hearing the learned counsel appearing for the parties, the Writ Petitions were dismissed *inter alia* holding that the judgment relied upon by the appellant will not give her the benefit, as the same cannot be applied to the subsequent cases.

3.The learned counsel appearing for the appellant submitted that it would suffice if the representation of the appellant, dated 29.09.2020, is directed to be considered by the second respondent.

4.The learned counsel appearing for the second respondent submitted that the aforesaid representation if made, the same would be considered on its own merits.

5.We are not inclined to say anything on the merits of the cases. Considering the limited relief sought for by the appellant before us and without expressing any opinion on the merits of the matters, we would only direct the second respondent to consider the representation of the appellant, dated 29.09.2020, and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this judgment.



6. These Writ Appeals are disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary,
Union of India,
Ministry of AYUSH,
New Delhi.

2. The Secretary,
Central Council of Homeopathy Medicine,
No. 61-65, Institutional Area,
New Delhi.

W.A. (MD) Nos. 1265 and 1266 of 2020

06.01.2021

MA (CO)

NR (19/01/2020) 3P : 3C