

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP No. 34423 of 2016
and WMP No.29654 of 2016

Hahnemann Homoeopathic Medical Trust,
Rep. By its Managing Trustee,
Mr.A.Sivasubramani, B.E.,
Managing Trustee, 6/177-A, Mount Poonamallee Road.
Karambakkam, Porur, Chennai 600 116.

...Petitioner

vs.

1. The Government of India
Rep. By its Secretary,
Ministry of Health and Family Welfare,
Department of Ayurveda, Yoga & Naturopathy
Unani, Siddha & Homoeopathy (AYUSH)
IRCS Annex Building, 1 Red Cross Road,
New Delhi - 110 001.
2. The Central Council of Homoeopathy (CCH)
Rep. By its Secretary,
Jawaharlal Nehru Bhartiya Chikitsa Avum,
Homoeopathy Anusandhan Bhawan,
No.61-65, Institutional Area, Opp to "D" Block,
Janakpuri, New Delhi 110 058.
3. The Commissioner,
Directorate of Indian Medicines & Homoeopathy,
Arumbakkam, Chennai 600 106.
4. The Tamil Nadu Dr.M.G.R. Medical University,
Rep. By its Registrar,
69, Anna Salai, Guindy, Chennai 600 032.
5. The Controller of Examinations,
The Tamil Nadu Dr.M.G.R. Medical University,
69, Anna Salai, Guindy, Chennai 600 032. ...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent and 5th respondent to permit the 100 students mentioned below, admitted in the petitioner college

(Venkateswara Homoeopathic Medical College & Hospital, Porur, Chennai 116) to the 1st year BHMS 2015-2016 degree course, to take their 1st year examination to be held by the respondents 4 & 5 commencing from 17.10.2016 and allow them to appear for the succeeding examinations for completing BHMS degree course.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar

For Respondents : Mr.J.Madana Gopal Road
SCGSC, for R1 & R2

Mrs. V.Yamuna Devi
Spl. Govt. Advocate, for R3

No appearance for 4 & 5

O R D E R

The prayer in the Writ Petition reads as follows:

"to issue a Writ of Mandamus, directing the 4th respondent and 5th respondent to permit the 100 students mentioned below, admitted in the petitioner college (Venkateswara Homoeopathic Medical College & Hospital, Porur, Chennai 116) to the 1st year BHMS 2015-2016 degree course, to take their 1st year examination to be held by the respondents 4 & 5 commencing from 17.10.2016 and allow them to appear for the succeeding examinations for completing BHMS degree course."

2. Evidently the prayer has become infructuous. However, Mr.Prabhu Mukunth Arun Kumar, learned counsel appearing for the petitioner would submit that the petitioner is allowed to maintain the sanctioned strength of 100 students in view of the judgment of the Division Bench of this Court in Union of India v. Hahnemann Homeopathic Medical Trust, in WA No.660 of 2017 on the premise that the amendment introduced to Section 12 of the Homoeopathy Central Council (Amendment) Act, 2002 could only be prospective and not retrospective. The said legal position is recorded and the Writ Petition is disposed of as having become infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Secretary, Government of India
Ministry of Health and Family Welfare,
Department of Ayurveda, Yoga & Naturopathy
Unani, Siddha & Homoeopathy (AYUSH)
IRCS Annex Building, 1 Red Cross Road,
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AJB (CO)
PR (18/07/2022)