



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)Nos.4710 to 4712 of 2022

and W.M.P.(MD).Nos.3931, 3934 & 3932 of 2022

WEB COPY

W.P. (MD) .No.4710 of 2022

Maria Ayurveda Medical College and Hospital,
Rep. by its Principal Viz., Dr.V.S.Symala Devi,
Kulathadivilai, Moovatumugham Post,
Thiruvattar, Attoor,
Kanniyakumari District.

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health & Family Welfare Department,
Secretariat,
Chennai.
- 2.The Director,
The Directorate of Indian Medicine and Homeopathy,
Arumbakkam,
Chennai.
- 3.The Selection Committee,
Rep. by its Secretary,
The Directorate of Indian Medicine and Homeopathy,
Aringar Anna Government Hospital Campus,
Chennai.
- 4.The Tamilnadu Dr.MGR Medical University,
rep. by its Registrar,
Annasalai,
Guindy, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to approve the candidature of 5 students viz., Jasmine J, Pooja Dileep, Rizwana Hajara.S, Sajnas.SS. and Soorya Gayathri.AP, admitted for Bachelor of Ayurvedic Medicine and Surgery (BAMS) Degree Course under the unfilled / lapsed category for the academic year 2020-2021 in the petitioners College and by considering the petitioners College and by considering the petitioner's representations dated 31.03.2021, 07.06.2021 and 15.12.2021 within the period stipulated by this Court.



For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.M.Ajmal Associates
For Respondents : Mr.N.G.A.Nataraj for R1 to R3
Government Advocate

W.P. (MD) .No.4711 of 2022

Maria Homeopathy Medical College & Hospital,
Rep. by its Principal viz., Dr.D.Dilipkumar,
Perai, Thiruvattar Post,
Kanniyakumari District.

... Petitioner

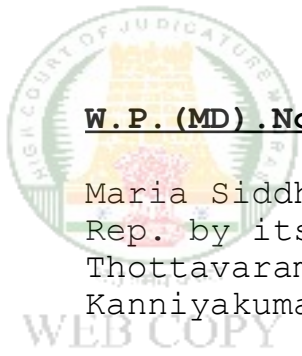
Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health & Family Welfare Department,
Secretariat,
Chennai.
- 2.The Director,
The Directorate of Indian Medicine and Homeopathy,
Arumbakkam,
Chennai.
- 3.The Selection Committee,
Rep. by its Secretary,
The Directorate of Indian Medicine and Homeopathy,
Aringar Anna Government Hospital Campus,
Chennai.
- 4.The Tamilnadu Dr.MGR Medical University,
rep. by its Registrar,
Annasalai,
Guindy, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to approve the candidature of 3 students viz. Geethu R, Fathima Nafiya and Vibras SN, admitted for Bachelor of Homoeopathic Medicine and Surgery (BHMS) Degree Course under the unfilled / lapsed category for the academic year 2020-2021 in the petitioners College and by considering the petitioners representations dated 31.03.2021, 07.06.2021 and 15.12.2021, within the period stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.M.Ajmal Associates
For Respondents : Mr.N.G.A.Nataraj for R1 to R3
Government Advocate



W.P. (MD) .No.4712 of 2022

Maria Siddha Medical College and Hospital,
Rep. by its Principal viz., Dr.S.Soundararajan
Thottavaram, Moovatumugham (Po)
Kanniyakumari District.

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health & Family Welfare Department,
Secretariat,
Chennai.

2.The Director,
The Directorate of Indian Medicine and Homeopathy,
Arumbakkam,
Chennai.

3.The Selection Committee,
Rep. by its Secretary,
The Directorate of Indian Medicine and Homeopathy,
Aringar Anna Government Hospital Campus,
Chennai.

4.The Tamilnadu Dr.MGR Medical University,
rep. by its Registrar,
Annasalai,
Guindy, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to approve the candidature of 6 students viz. Baby Sheeba A, Sakthisrie SS, Anusha G, Priyadharshini V, Jerisha Skherin M, Jayasree M, admitted for Bachelor of Siddha Medicine and Surgery (BSMS) Degree Course under the unfilled / lapsed category for the academic year 2020-2021 in the petitioners College and by considering the petitioners College and by considering the petitioners representations dated 31.03.2021, 07.06.2021, 08.08.2021 and 15.12.2021 within the period stipulated by this Court.

For Petitioner	: Mr.M.Ajmal Khan, Senior Counsel for M/s.M.Ajmal Associates
For Respondents	: Mr.N.G.A.Nataraj for R1 to R3 Government Advocate



COMMON ORDER

These writ petitions have been filed seeking for approval of students admitted by the petitioner's institution under the lapsed category by the first respondent, based on the petitioner's representations, dated 31.03.2021, 07.06.2021 and 15.12.2021.

2. Since in all the three writ petitions, the petitioner has sought for recognition/regularization of the students admitted under the lapsed quota, they are disposed of by way of a common order.

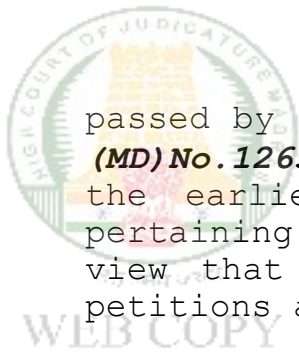
3. Heard Mr.M.Ajmal Khan, learned Senior counsel appearing for the petitioner and Mr.N.G.A.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3.

4. Separate writ petitions have been filed for Ayurvedic Course, Homeopathy Course and Siddha Course, where students were admitted by the petitioner institution. The petitioner has admitted 5 students out of 15 lapsed seats in Ayurvedic Course, which pertains to W.P. (MD).No.4710 of 2022, 3 students out of 14 lapsed seats in Homeopathy Course, which pertains to W.P.(MD).No.4711 of 2022 and 6 students out of 15 lapsed seats in the Siddha Course, which pertains to W.P. (MD).No.4712 of 2022.

5. It is the case of the petitioner institution that all are qualified candidates and they have successfully completed the NEET examinations. It is their case that since the seats remained unfilled, they were constrained to fill up the seats. The petitioner institution has given representations on 31.03.2021, 07.06.2021 and 15.12.2021 to the first respondent, seeking for recognition to the students admitted by the petitioner institution as referred supra. Since the said representations have not been considered till date, the petitioner has filed these writ petitions.

6. The learned Senior counsel appearing for the petitioner drew the attention of this Court to the similar relief sought for by the petitioner's institution pertaining for the year 2019-2020, where, this Court had directed the second respondent to consider the petitioner's representations, with regard to the admissions of the students under the lapsed seats and pass orders, within a period of twelve weeks from the date of receipt of a copy of that order. He would submit that a similar direction can be issued in these writ petitions also. He would submit that the present writ petitions pertain to the year 2020-2021.

7. The learned Senior Counsel appearing for the petitioner would submit that a direction may be issued to the first respondent to consider the representations of the petitioner in the light of the Judgment of the Honourable Supreme Court in the case of ***Union of India Vs. Federation of Self-Financed Ayurvedic Colleges, Punjab and Others***, reported in ***2020 SCC Online 226*** as well as the Judgment



passed by a Division Bench of this Court, dated 06.01.2021, in **W.A. (MD) No.1265 & 1266 of 2020**. A similar direction was also issued in the earlier writ petitions filed by the very same institution pertaining to the year 2019-2020. Therefore, this Court is of the view that a similar direction can also be issued in these writ petitions also.

8.The learned Government Advocate appearing for the respondents 1 to 3 has also not raised any serious objection for a direction to be issued to the first respondent calling upon them to pass final orders on the petitioner's representations, after affording a fair hearing to the petitioner, within a time frame to be fixed by this Court.

9.Accordingly, this Court directs the first respondent to consider the petitioner's representation, dated 31.03.2021, 07.06.2021 and 15.12.2021, requesting the first respondent to approve / recognize the admission of the students by the petitioner under the lapsed seats category in respect of Ayurvedic Course, Homeopathy Course and Siddha Course, for the academic year 2020-2021 and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording a fair hearing to the authorised representative of the petitioner.

10.With the aforesaid directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 to Government,
State of Tamil Nadu,
Health & Family Welfare Department,
Secretariat,
Chennai.

2.The Director,
The Directorate of Indian Medicine and Homeopathy,
Arumbakkam,
Chennai.

3.The Secretary,
Selection Committee,
The Directorate of Indian Medicine and Homeopathy,
Aringar Anna Government Hospital Campus,
Chennai.

+3 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-13123[F] dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-12951[F] dated 18/03/2022)

W.P. (MD) Nos.4710 to 4712 of 2022
17.03.2022

RS (24.03.2022) 6P-8C