



W.P(MD)No.12090 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12090 of 2022

and

W.M.P.(MD)Nos.8598, 8599 and 8600 of 2022

White Memorial Homeo Medical College Hospital,
Rep. by its Principal,
R.Richard Franklin.

... Petitioner

Vs.

- 1.The Secretary to Government,
Department of Health and Family Welfare,
Secretariat, Chennai.
- 2.The Secretary,
National Commission for Homeopathy,
Jawaharlal Nehru Bhartiya Chikitsa,
Avum Home Anusandhan Bhavan,
No.61-65, Institutional Area Opp D Block,
Jankpuri, New Delhi.
- 3.The Director,
The Directorate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai.
- 4.The Registrar,
The Tamilnadu Dr.M.G.R. Medical University,
No.69, Anna Salai, Guindy, Chennai – 32.
- 5.The Secretary,
Selection Committee,
Indian System of Medicine and Homeopathy,



W.P(MD)No.12090 of 2022

Anna Hospital Campus,
Arumbakkam, Chennai – 106.

... Respondents

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its proceedings in Letter No.3-69/2022/NCH/HEB/NEET/2117 dated 24.05.2022 and the consequential proceedings of the 4th respondent pertaining to its proceeding in Lr.No.EX.IV(2)/40558/2021 dated 07.06.2022 and to quash the same and consequently direct the respondents to permit Ms.Rhea Clement to continue BHMS course by taking up the examinations including practical and theory based on the orders passed by this Court in W.P.No.12761 of 2022.

For Petitioner : Mr.K.Govindarajan,
For Mr.S.C.Herold Singh.

For Respondents : Mr.V.Om.Prakash,
Government Advocate for R1, R3 & R5.
Mrs.L.Victoria Gowri,
Asst. Solicitor General for R2.
Mr.C.Karthik for R4.

ORDER

Heard the learned counsel for the writ petitioner, the learned Government Advocate for the respondents 1, 3 and 5, the learned Assistant Solicitor General for the second respondent and the learned standing counsel for the fourth respondent.



W.P(MD)No.12090 of 2022

2.The writ petitioner is an educational institution importing collegiate education in the field of homeopathy. The case on hand pertains to the academic year 2020 – 2021. Vide communication dated 11.03.2022, the Tamil Nadu M.G.R. Medical University informed the petitioner that two candidates were admitted without allotment order from the selection committee for under graduate and post graduate courses. Their details are as follows:-

“BHMS – Ms.Rhea Clement

MD. (Hom) Ms.Jouhara Jasmin K M”

both the candidates were directed to be discharged. Aggrieved by the same, the petitioner filed W.P.No.12761 of 2022. The writ petition was taken along with other writ petitions and allowed on 13.05.2022. I had only followed the decision of the Hon'ble Supreme Court reported in **2021 SCC Online 318 (Index Medical College, Hospital and Research Centre Vs. State of Madhya Pradesh and Others)**. It is relevant to note here that in the said order dated 13.05.2022 was passed in a batch of writ petitions, the second respondent herein was very much respondent in quite a few writ petitions. The second respondent is obviously aware of the direction passed by this Court. Yet on 24.05.2022, the aforesaid two candidates were directed to be discharged for the very same reason. Pursuant to the direction issued by the National Commission



W.P(MD)No.12090 of 2022

for Homeopathy on 24.05.2022, the university issued the communication dated 07.06.2022.

3.As rightly pointed out by the learned counsel for the writ petitioner, the impugned communication is clearly not in conformity with the direction given by this Court on 13.05.2022.

4.In this view of the matter, the impugned communication is quashed and the writ petition is allowed. On account of impugned communication, the student concerned could not sit for practical examination. The fourth respondent is directed to make proper arrangement at the earliest to ensure that the petitioner sits for the practical examination. No costs. Consequently, connected miscellaneous petitions are closed.

16.08.2022

Index : Yes / No

Internet : Yes/ No

ias

Issue order copy on 17.08.2022.



W.P(MD)No.12090 of 2022

To:-

WEB COPY

- 1.The Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai.
- 2.The Director,
The Directorate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai.
- 3.The Secretary,
Selection Committee,
Indian System of Medicine and Homeopathy,
Anna Hospital Campus,
Arumbakkam, Chennai – 106.



WEB COPY



W.P(MD)No.12090 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.12090 of 2022

16.08.2022
(1/2)