



W.P.No.42664 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42664 of 2016

and

W.M.P.Nos.36585 & 36586 of 2016

S.V.S.Educational and Social Trust,
rep by its Chairman cum Managing Director,
No.74, Gandhi Road,
Kallakurichi-606 202,
Vizhupuram District

.....Petitioner

Vs

1. The Secretary to Government of Tamilnadu,
Health and Family Welfare Department,
Fort St.George,
Secretariat,
Chennai-600 009.
2. The Special Commissioner,
Director of Indian Medicine,
and Homeopathy
Arignar Anna Hospital Complex,
Arumbakkam,
Chennai-600 106.
3. The Tamilnadu Dr.M.G.R. Medical University,
rep by its Registrar,
No.69, Anna Salai,
Guindy, Chennai-600 032.



W.P.No.42664 of 2016

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4. The Central Council for Research,
in Yoga and Naturopathy,
Government of India,
Ministry of Health and
Family Welfare Department
No.61-65 Pankha Road,
Janakpuri,
New Delhi-110 058

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent registrar, the Tamilnadu Dr.M.G.R.Medical University No.69, Anna Salai, Guindy Chennai-600 032, culminating in Proc.No.Affln I (3) 18305/2015 dated 21.11.2016 and quash the same and further direct the 3rd respondent to issue the continuance of provisional affiliation for the academic year 2015-2016, 2016-2017 for the S.V.S.Medical College of Yoga and Naturopathy and Research Institute, Kallakurichi to conduct the B.N.Y.S Degree Course 5 ½ years.

For petitioner	: Mr.K.Balakrishnan
For Respondents	: Mr.U.Baranidharan, Additional Government Pleader for R1. : Mr.D.Simon for R2 : Mr.R.Imayavaramban, for M/s.Ramalingam & Associates for R3 : Mr.V.Prakash for R4.



W.P.No.42664 of 2016

ORDER

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This Writ Petition has been filed seeking to quash the impugned proceedings dated 21.11.2016 which was passed by the 3rd respondent and for a direction to the 3rd respondent to issue continuance of provisional affiliation for the academic year 2015-2016, 2016-2017 for the S.V.S Medical College of Yoga and Naturopathy and Research Institute, Kallakurichi to conduct the B.N.Y.S Degree Course 5 ½ years.

2. It is the case of the petitioner that S.V.S Medical College of Yoga and Naturopathy and Research Institute, Kallakurichi which is affiliated to the petitioner trust. The petitioner institution made an application, requesting for issuance of certificate of registration by the 3rd respondent, pursuant to which, inspection was conducted and certificate of registration was granted to the petitioner institution and provisional affiliation was also granted periodically till the academic years 2014-2015. Having found some deficiencies in the institution while conducting an inspection for grant of continuance of provisional affiliation for the academic year 2015-2016, the 3rd respondent had issued a show cause notice to the petitioner institution, pursuant to which, the petitioner sent a reply, however, without affording an opportunity of personal hearing to the



W.P.No.42664 of 2016

petitioner institution, the present impugned order came to be passed by the 3rd respondent disaffiliating the petitioner institution. Hence, this Writ Petition.

3. Learned counsel for the petitioner submits that once the provisional affiliation and continuance of provisional affiliation was granted the same cannot be withdrawn or cancelled unilaterally without affording an opportunity of personal hearing. Further, no valid reason has been quoted in the impugned order as to the deficiencies of the petitioner institution. While so, disaffiliating the petitioner's institution even without hearing the petitioner institution is not sustainable.

4. On the above contention, this Court heard the learned standing counsel for the Medical University and perused the materials available on record.

5. On perusal of the materials available on record, this Court without going into the merits of the case and without interfering with the impugned order, directs the 3rd respondent herein to conduct the field



W.P.No.42664 of 2016

inspection in the petitioner institution if the petitioner satisfies/fulfils all the conditions for considering the fresh application for grant of provisional affiliation to the institution and pass appropriate orders.

6. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous petitions are closed.

29.03.2023

Index : Yes/No

Internet : Yes

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W.P.No.42664 of 2016

M.DHANDAPANI, J.

NHS

To

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2. The Special Commissioner,
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and Homeopathy
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3. The Registrar,
The Tamilnadu Dr.M.G.R. Medical University,
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W.P.No.42664 of 2016
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