



W.P.(MD)No.15937 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15937 of 2015

and

M.P.(MD)No.1 of 2015

P.Rajan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its District Collector,
Kanyakumari District,
Nagercoil-629 001.

2.Joint Director,
Medicines and Rural Health,
Kanyakumari District,
Nagercoil-629 001.

3.Inspector of Police,
Vadasery Police Station,
Vadasery, Nagercoil-629 002.



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4.The Registrar,

Tamil Nadu Siddha Medical Council,
Arumbakkam, Chennai-600 106.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring that the petitioner is entitled to practice Native Medicines and Acupuncture as a registered Medical Practitioner under the Tamil Nadu Siddha System of Medicine (Development) and Registration of Practitioners Act No.34 of 1997 as well as Medical Practitioner under the Pharmacy Act No.8 of 1948 and G.O.Ms.No.248, Health and Family Welfare (IM-2-2) Department dated 08.09.2010 and also the degree conferred upon him by Medicina Alternativa Institute, Colambu.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For R1 to R3 : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner claims to be a registered private medical practitioner. I went through the certificates enclosed by the petitioner in the typed set of papers.



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None of them appeal to me. The petitioner does not possess proper educational qualifications and criminal cases have been registered against him on the ground that the petitioner has engaged in Allopathy practice.

3.The learned counsel for the petitioner would contend that the petitioner was subsequently acquitted.

4.The learned Additional Government Pleader for the respondents 1 to 3 would point out that though the petitioner was acquitted in C.C.No.109 of 2007 on the file of the learned Judicial Magistrate No.2, Nagercoil on 04.12.2013, yet another criminal case in Crime No.72 of 2015 on the file of the 3rd respondent is still pending against the petitioner. Further, he placed reliance on the order of this Court dated 25.02.2020 made in W.P.(MD)No.20217 of 2019 etc., batch, wherein a learned Judge of this Court had held as follows:-

“20. As stated above, most of the certificates produced by the petitioners in the typed set of papers, in respect of their claim of obtaining Diploma in Electro Homeopathy, are issued by some private institutions without affiliation to anyone of the statutory bodies / universities recognized by the Acts of the Parliament. The petitioners,



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who claimed to have undergone a diploma course in the so-called alternative stream of medicine, without even verifying the genuineness of the statutory recognition, status of the institute joined the course, throws serious doubt about the genuineness in their very claim. Having obtained diplomas from such institutes, the petitioners are estopped from claiming any right either to register themselves in the roles of the statutory council or practice in that particular stream of medicine.”

5.The case on hand is similar. Granting declaration sought for by the petitioner would run counter to the statutory provisions. Therefore, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2023

NCC : Yes / No

Internet : Yes / No

Index : Yes / No

Yuva

To

1.The District Collector,
Kanyakumari District,

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Nagercoil-629 001.

2.Joint Director,
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G.R.SWAMINATHAN, J.

Yuva

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