



W.P.(MD)No.15939 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15939 of 2015

and

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

R.K.Badra

... 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.
- 4.The Registrar,
Alternative Medical Council,
Ma Sarada Road, Barasat-743 201,
West Bengal.

... Respondents



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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 Medicine or Alternative System of Medicine, 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 the Government of West Bengal, under Family Welfare Training (FWT).

For Petitioner : Mrs.P.Jessi Jeeva Priya
For R1 to R3 : Mr.S.RA.Ramachandhran,
Additional Government Pleader
For R4 : Mr.Subhasis Chakraborty

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. None of them appeal to me. A learned Judge of this Court by order dated 25.02.2020 made in W.P.(MD)No.20217 of 2019 etc., batch had held as follows:-



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“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, 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.”

3.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.

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NCC : Yes / No

Internet : Yes / No

Index : Yes / No

Yuva

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Yuva

To

- 1.The District Collector,
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