



W.P(MD)No.6118 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6118 of 2015

The Indian Traditional Doctors Welfare
Development Association,
Rep. by its Secretary,
E.Parthasarathy.

... Petitioner

Vs.

1.The Secretary to Government Health Department,
Secretariat, Fort St.George, Chennai.

2. The joint Director of Health Department,
Near Junction, Trichy.

3.The District Collector,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to recognize the Traditional doctors and allow the petitioner Association members to do medical practice as per the guidelines of Supreme Court based on the petitioner's representation dated 20.01.2015.

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For Petitioner : Mr.C.Susikumar

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a registered society. The prayer in the writ petition is that the Government must recognize the rights of its members to engage in medical practices as traditional doctors.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.I am not persuaded by the submissions of the learned counsel for the petitioner. As rightly submitted by the learned Additional Government Pleader, in matters such as this, this Court ought not to entertain writ petitions filed by an association. General direction for the



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benefit of all the members of the petitioner/society cannot be granted.

Whether a particular member is a qualified medical practitioner or not has to be decided on a case to case basis. There are statutes governing medical practice. If a practitioner wants recognition from the State, he must have registered himself with one of the statutory bodies. When persons claiming to practice Electro – Homeopathy filed writ petitions before this Court, the same were dismissed vide order dated 25.02.2020 in W.P.(MD)Nos.20217 of 2019 etc batch. Paragraph No.20 of the said order reads 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, 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.”



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5.The petitioner filed a typed set of papers enclosing certificates issued in favour of some of its members. I went through them. They do not appeal to me. The observations made in the aforesaid writ petitions would squarely apply to the case on hand. I do not find any ground to grant relief and the writ petition stands dismissed. No costs.

18.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Secretary to Government Health Department,
Secretariat, Fort St.George, Chennai.
2. The joint Director of Health Department,
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- 3.The District Collector,
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G.R.SWAMINATHAN, J.

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