



WEB COPY



W.P.No.14520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14520 of 2023

And

W.M.P.Nos.14002, 14005 of 2023 and 3946 of 2024

Shri Selvanayagi Medical Institute of
Electropathy and Hospital
Represented by its Chairman
Mrs.Dharaniya

... Petitioner

Vs.

- 1.Union of India,
Represented by its Secretary to Government
Ministry of Health and Family Welfare,
New Delhi.
- 2.The Government of Tamilnadu,
Rep. by its Secretary for Health and
Family Welfare Department,
St.George Fort,
Chennai – 600 009.
- 3.N.E.H.M. Of India
(Naturo Electro Homeoathy Medicos of India)
Represented by its Registrar,
H.O.C2C/123, Pocket – 12, Janak Puri,
New Delhi – 110 058.
- 4.The District Collector,
Office of the Collectorate,
Thirupur,
Thirupur District.



W.P.No.14520 of 2023

WEB COPY

5.The Director,
Directorate of Medical and Rural Health Service,
Chennai – 06.

6.The Joint Director,
Directorate of Medical and Rural Health Service,
Thirupur,
Thirupur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to impugned order passed by the sixth respondent vide Na.Ka.No.2652/Ka 4/2023, dated 24.04.2023, and further direct the respondents 2, 4, 5 and 6, not to interfere in the academic and administration affairs of the petitioner institution.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Mr.M.Sathyan for R1
Central Government Standing Counsel
Mr.E.Sundaram for R2, R4 to R6
Government Advocate
Mr.R.S.Mangala Kumar for R3

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the sixth respondent vide Na.Ka.No.2652/Ka 4/2023, dated 24.04.2023, and further direct the respondents 2, 4, 5



W.P.No.14520 of 2023

and 6,

WEB COPY

not to interfere in the academic and administration affairs of the petitioner institution.

2.The learned counsel appearing for the petitioner submitted that the third respondent Naturo Electro Homeopathy Medicos of India (in short 'NEHM of India') is a premier organization engaged in the promotion, development and research of herbal oriented new medial system electropathy/ electro homeopathy under its specific aims and objectives/ rules and regulations for more than 3-1/2 decades and has wide network to promote the medical system by establishing electropathy institutions, conducting courses and awarding certificates to its qualified persons throughout India. Nearly 70 electropathy medical institutes are functioning throughout India under its affiliation who are imparting electropathy education covering complete medical syllabi. In Tamil Nadu there are around 15 colleges across the State and overall around 1500 students are imparted education on electropathy by these institutions.

3.The learned counsel appearing for the petitioner further



W.P.No.14520 of 2023

submitted that the petitioner institution is affiliated by the third

WEB COPY

respondent. It was originally established in the year 2018 in the name of S.S.Medical Institute of Electropathy and Hospital at Tamaraipalayam, Kodumudi Taluk, Erode District in a rented premises. Thereafter, own building was constructed 40 kms. away in the present place at Tirupur District. Since there is a change in the District, the third respondent asked the petitioner to apply for fresh affiliation and fresh affiliation was granted to the institution in the name of Shri Selvanayagi Medical Institute of Electropathy and Hospital.

4.The learned counsel appearing for the petitioner further submitted that the petitioner institution was affiliated to impart education by the third respondent for B.E.M.S. and MD(EH) Courses. The students who joined the course in the year 2018 have completed their course during September, 2022. Whiles, on 24.04.2023, the Authorities of the sixth respondent came to the institution without any notice and served the impugned order wherein, it has been stated that a proper approval from the Government of Tamilnadu from Health and Family Welfare Department, Recognition from



W.P.No.14520 of 2023

Tamilnadu Nurses and Midwives Council, Affiliation from the Tamil Nadu Dr.M.G.R.Medical

University and Suitability Certificate from Indian Nursing Council are to be obtained and any other affiliation cannot be considered as a valid approval or affiliation and sealed the premises.

5.The learned counsel appearing for the petitioner further submitted that without going into the merits of the case, this Court may permit the petitioner to file an affidavit of undertaking that they will not conduct any course in Shri Selvanayagi Medical Institute of Electropathy and Hospital and the said building will be used for other purposes and if any loss sustained by the students at the instigation of the petitioner, the petitioner will pay the students appropriately before the sixth respondent and issue direction to the sixth respondent to consider the affidavit of undertaking to be submitted by the petitioner and to pass appropriate orders, within a reasonable time frame.

6.Admittedly, the petitioner institute is not recognised by the National Medical Counsel or by AYUSH. In the absence of any valid



W.P.No.14520 of 2023

certificate from the concerned Authorities, running this type of institution is impermissible one. However, considering the limited request made by the learned counsel appearing for the petitioner, this

Court, without expressing any opinion on the merits of the case, permits the petitioner to file an affidavit of undertaking stating that they will not conduct any course in Shri Selvanayagi Medical Institute of Electropathy and Hospital and the said building will be used for other purposes and if any loss sustained by the students at the instigation of the petitioner, the petitioner will pay the students appropriately, before the sixth respondent, within a period of two weeks from the date of receipt of a copy of this order. Upon the petitioner filing such affidavit of undertaking, the sixth respondent shall consider the same on merits and in accordance with law and pass appropriate orders, within a period of four weeks thereafter.

7.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

03.10.2024

pri

6/8



W.P.No.14520 of 2023

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.Union of India,
Represented by its Secretary to Government
Ministry of Health and Family Welfare,
New Delhi.
- 2.The Government of Tamilnadu,
Rep. by its Secretary for Health and
Family Welfare Department,
St.George Fort,
Chennai – 600 009.
- 3.N.E.H.M. Of India
(Naturo Electro Homeoathy Medicos of India)
Represented by its Registrar,
H.O.C2C/123, Pocket – 12, Janak Puri,
New Delhi – 110 058.
- 4.The District Collector,
Office of the Collectorate,
Thirupur,
Thirupur District.
- 5.The Director,
Directorate of Medical and Rural Health Service,
Chennai – 06.
- 6.The Joint Director,
Directorate of Medical and Rural Health Service,
Thirupur,
Thirupur District.

7/8



WEB COPY



W.P.No.14520 of 2023

M.DHANDAPANI,J.
pri

W.P.No.14520 of 2023
And
W.M.P.Nos.14002, 14005 of 2023
and 3946 of 2024



WEB COPY



W.P.No.14520 of 2023

03.10.2024