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WP Nos.28261 of 2



1261 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP Nos.28261 of 2023 and 1261 of 2024

And

WMP Nos.27784 and 27785 of 2023 and 1316 to 1318 of 2024

Sapthagiri Educational Trust,
Represented by its Chairman,
Sai Prakash Lego Muthu,
Sai Bhavan, No.31-B, Madley Road,
T.Nagar,
Chennai-600 017.

.. Petitioner in WP 28261/2023

- 1.Akshaya
- 2.Akshaya Priya
- 3.Aparnna, M.
- 4.Aparnapriya
- 5.Atchaya, M.
- 6.Aswathanaman,S.
- 7.Bavadharani, M.



- 8.Berbin, P.
- 9.Bhuvaneshkumar, M.R.
- 10.Brinda, G.
- 11.Divya Keerthana
- 12.Anisha
- 13.Faiyaz Ali
- 14.Gayathri
- 15.Guna Soundari, R.
- 16.Hariharan, J.
- 17.Harini, A.
- 18.Inti Sri Venkata Pannaga Vaishnavi, J.S.V.
- 19.Jaibarool Noorul Naashiha, M.S.
- 20.Kalaivani, S.
- 21.Kaviyarasan
- 22.D.Keerthana
- 23.Keerthana, E.
- 24.Keerthana Raji, S.
- 25.Kirtana, D.
- 26.Kishore, S.
- 27.Mithra, S.
- 28.Mohanalakshmi
- 29.Monisha, B.
- 30.Muthulakshmi, S.S.
- 31.R.K.Pagalvan
- 32.Priyadharshini, A.
- 33.A.Sajitha Fathima
- 34.Santhanakumari, S.
- 35.Sneha, V.
- 36.Sridharan, S.
- 37.Pragadeeshwari, C.
- 38.Parvethavarshini, S.
- 39.Noveena Shruthi, D.S.
- 40.Sri Durga, M.
- 41.Swathi, S.
- 42.Sharmila, S.
- 43.Rexy George



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44.Varshini
45.Yuthika
46.Vetri Selvi, A.
47.Yazhesy Tha

.. Petitioners in WP 1261/2024

-VS-

- 1.Union of India,
Represented by its Under Secretary,
Ministry of Ayurvedha, Yoga and Naturopathy,
Unani, Siddha and Homoeopathy (AYUSH),
Ayush Bhavan, 'B' Block, GPO Complex,
INA, New Delhi-110 023.
- 2.The National Commission for Indian System of Medicine,
Represented by its Secretary,
No.61-65, Institutional Area,
Opp. "D" Block, Janakapuri,
New Delhi-110 058.

- 3.The Registrar,
Tamil Nadu Dr.MGR Medical University,
Guindy,
Chennai-600 032.
- .. Respondents in WP 28261/2023



1. Union of India,
Represented by its Under Secretary,
Ministry of Ayurvedha, Yoga and Naturopathy,
Unani, Siddha and Homoeopathy (AYUSH),
Ayush Bhavan, 'B' Block, GPO Complex,
INA, New Delhi-110 023.
2. The National Commission for Indian System of Medicine,
Represented by its Secretary,
No.61-65, Institutional Area,
Opp. "D" Block, Janakapuri,
New Delhi-110 058.
3. The Registrar,
Tamil Nadu Dr.MGR Medical University,
Guindy,
Chennai-600 032.
4. Sri Sai Ram Ayurveda Medical College and
Research Centre, Represented by its Chairman,
Sai Leo Nagar,
West Tambaram,
Chennai-600 044.

.. Respondents in WP 1261/2024

WP No.28261 of 2023 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent passed in F.No.R.17011/189/2015-EP(IM-I) dated 16.10.2018 and quash the same and direct the third respondent to approve the admission of 47 students admitted in BAMS Course in the academic year 2018-2019 and publish the



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final year results of 46 students whose results are withheld of Sri Sai Ram Ayurveda Medical College and Research and Hospital at West Tambaram consequently permit them to undergo CRRI and issue Degree Certificates to the passed candidates and also permit the candidate namely S.Parvathavarshini, Registration No.641811533 to appear for October 2023 examinations.

WP No.1261 of 2024 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to approve the admission of 47 petitioners admitted in BAMS Course in the academic year 2018-2019 in the fourth respondent-College and publish the final year results of the 47 petitioners and consequently issue them with Provisional Certificate I, so as to enable them to undergo the Compulsory Residential Rotatory Internship and issue them with Degree Certificates.

For Petitioner in WP 28261
of 2023 :

Mr.M.S.Krishnan, Senior Counsel
for Mr.P.Ebenezr Paul.

For Petitioner in WP 1261
of 2024 :

Ms.Dakshayani Reddy,
Senior Counsel for Ms.S.Suneetha.



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For Respondent-1 in WP 28261
of 2023 :

Mr.K.Srinivasamurthy,
Senior Central Government Panel
Counsel.

For Respondent-1 in WP 1261
of 2024 :

Mr.V.Ashok Kumar,
Central Government Standing
Counsel for Ms.N.K.Nithila Vani,

For Respondent-2 in WPs 28261

of 2023 and 1261 of 2024: Mr.K.Vellaya Raj for
M/s.V.K.Raj Law Chambers

For Respondent-3 in WPs 28261

of 2023 and 1261 of 2024 : Mr.A.Mohammed Gose

For Respondent-4 in WP 1261
of 2024 :

Mr.M.S.Krishnan, Senior Counsel
for Mr.P.Ebenezer Paul.

COMMON ORDER

The order dated 16.10.2018 regarding withdrawal of permission granted for conducting 50 seats in BAMS (UG Course) under Section 13-C/13-A of the IMCC Act, 1970 for the Academic Session 2018-



2019, is under challenge in WP No.28261 of 2023.

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2. The relief sought for in WP No.1261 of 2024 is for a Mandamus, to direct the respondents 1 to 3 to approve the admission of 47 petitioners admitted in BAMS Course in the academic year 2018-2019 in the fourth respondent-College and publish the final year results of the 47 petitioners and consequently issue them with Provisional Certificate I, so as to enable them to undergo the Compulsory Residential Rotatory Internship and issue them with Degree Certificates.

3. The petitioner in WP No.28261 of 2023 is Sapthagiri Educational Trust. The college is affiliated to Tamil Nadu Dr.MGR Medical University. The college has been approved by the CCIM and Department of Ayush, Ministry of Health and Family Welfare, Government of India, New Delhi. The college has intake capacity of 50 seats and possessed infrastructural facilities and equipped with library and faculty members. The hundred bed hospital for practical training has also been maintained as per the standards prescribed.



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4. The petitioner-Institution admitted 47 students for the academic year 2018-2019. An inspection was conducted by the respondents and the Committee identified certain deficiencies in the petitioner-Institution. Consequently they have cancelled the permission granted for the academic year 2018-2019. Since permission was withdrawn, 47 students undergone the Courses and completed, are unable to get their Certificates.

5. Mr.M.S.Krishnan, learned Senior Counsel, appearing on behalf of the petitioner in WP No.28261 of 2023, would submit that certain deficiencies notified, were rectified subsequently and permission was subsequently granted to all academic years.

6. It is not a case, where the Institution suffered deficiencies continuously, but the deficiencies noticed, were rectified immediately and therefore, there is no reason to deprive the 47 students, who had undergone Courses from getting their Certificates. The withdrawal of permission



resulted in denial of Certificates to those 47 students. Thus the present writ petitions have been instituted.

7. Mr.K.Srinivasamurthy, learned Senior Central Government Panel Counsel, appearing on behalf of the first respondent in WP No.28261 of 2023 and Mr.V.Ashok Kumar, learned Central Government Standing Counsel, appearing on behalf of the first respondent in WP No.1261 of 2024, would submit that pursuant to the notice, the Indian Medicine Central Council Act, 1970, has been repealed by the National Commission for Indian System of Medicine Act, 2020. The National Commission has been constituted vide Notification dated 11.06.2021, is in successor of the Central Council of Indian Medicine. Further, as per Section 28 of the National Commission for Indian System of Medicine Act, 2020, the Medical Assessment and Rating Board is empowered to assess and determine the rating of the Medical Institutions in accordance with Regulations. After the New Act becoming operationalised, the Ministry of Ayush has no power to grant for denial permission to Ayurveda, Siddha and Unnani Colleges for taking admission as far as the Courses of Indian System of Medicine.



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8. Therefore, neither the first respondent nor the second respondent, will be in a position to ratify the lacuna occurred during the academic year 2018-2019. The first respondent states that the Act, was repealed and therefore, they cannot conduct fresh inspection. The second respondent pleads that in respect of academic year 2018-2019, they cannot conduct any inspection or submit the report.

9. In view of the mitigating factors, this Court is of the considered opinion that the difficulties as expressed between the respondents 1 and 2, cannot cause prejudice or result in deprivation of Course Certificates to 47 students, who had already undergone Courses in the petitioner-Institution.

10. The fact remains that the petitioner-Institution rectified the deficiencies, which is not disputed by the respondents 1 and 2. For subsequent academic years, the petitioner has secured permission. Even currently, the Institution is running with permission and that being the



factum, this Court is inclined to condone the deficiencies occurred for a limited period during the academic year 2018-2019, enabling the students to secure their Certificates and register their names with Medical Council of India, as per the procedures contemplated.

11. In view of the facts and circumstances, the third respondent-Dr.M.G.R.Medical University is directed to declare the results and issue all necessary Certificates pertaining to 47 students, who had completed their BAMS Course, during the academic year 2018-2019, enabling them to register their names before the Council and commence their medical practices, in the manner known to law. The said exercise is directed to be completed, within a period of eight weeks from the date of receipt of a copy of this order.

12. With the above directions, both the writ petitions are



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allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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- 1.The Under Secretary,
Union of India,
Ministry of Ayurvedha, Yoga and Naturopathy,
Unani, Siddha and Homoeopathy (AYUSH),
Ayush Bhavan, 'B' Block, GPO Complex,
INA, New Delhi-110 023.
- 2.The Secretary,
National Commission for Indian System of Medicine,
No.61-65, Institutional Area,
Opp. "D" Block, Janakapuri,
New Delhi-110 058.
- 3.The Registrar,
Tamil Nadu Dr.MGR Medical University,
Guindy,
Chennai-600 032.

S.M.SUBRAMANIAM, J.

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