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IN THE HIGH COURT OF JUDICATURE AT MADRAS

W.A.No.1143 of 2022

DATED : 13.11.2025

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THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A.No.1143 of 2022

Bose K.Mohamed Meera

... Appellant

Vs.

- 1.Union of India rep. By its Secretary,
Ministry of Health and Family Welfare,
Near Udyog Bhawan Metro Station,
Maulana Azad Road,
New Delhi – 110 011.
- 2.The State of Tamil Nadu
rep. By its Secretary,
Health Department,
Fort St. George, Chennai – 600 009.
- 3.The Director of Indian Medicine and
Homeopathy,
Anna Arch Road, P.P.Garden,
Arumbakkam, Chennai – 600 106.
- 4.The Director of Medical and Rural
Health Services,
DMS Campus,
Teynampet, Chennai – 600 006.
- 5.The Registrar,
Tamil University, Thanjavur.



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6.The Registrar,
Alagappa University,
Karaikudi.

7.The Registrar,
Bharathiar University,
Coimbatore – 641 046.

... Respondents

(Respondents 5 to 7 are suo motu
impleaded vide order dated 04.11.2024
in W.A.No.1143 of 2022)

Writ Appeal filed under Clause 15 of Letters Patent against the order
dated 04.01.2022 in W.P.No.14751 of 2020.

For Appellant	: Mr.B.Murugavel
For Respondents	: Mr.M.Karthikeyan, Senior Panel Counsel for R1 Ms.M.Sneha, Special Counsel for R2 to R4 Ms.H.Mary Sowmi Rexi for Mr.T.Cibi Chakraborty for R6 No appearance for R5 and R7

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Writ order dated 04.01.2022 in W.P. No.14751 of 2020 is under
challenge in the present intra-court appeal filed under Clause 15 of
Letters Patent.

2. Writ petitioner is the appellant before this Court. Writ petition has
been instituted challenging circular dated 25.09.2020 issued by Director



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of Indian Medicine and Homeopathy, Chennai informing the public that fake doctors are practising acupuncture across the State and in the event of any doubt, complaints can be registered before Superintendent of Police or District Collector concerned for initiation of appropriate action by the competent authorities. Circular has been issued in the nature of warning to the public in general providing information that fake acupuncture doctors are practising and treating patients, which may cause injury to health of citizens. Writ Court considered the issues and dismissed the writ petition.

3. Learned counsel for appellant would mainly contend that National Commission for Allied and Healthcare Professions Act, 2021 (Central Act 14 of 2021) came into force in the year 2021. Even before that, appellant and several other medical practitioners were practising acupuncture across the State. There was no registration on earlier occasion. That apart, no State Council has been constituted in consonance with the provisions of the Act and therefore circular issued by Director of Indian Medicine and Homeopathy, Chennai is affecting the right to practice acupuncture by appellant as well as other practitioners. It is further contended that appellant has undergone two year Diploma course in acupuncture and it is a valid course for practising acupuncture.



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4. Learned special counsel for respondents 2 to 4 would oppose by stating that pursuant to National Commission for Allied and Healthcare Professions Act, 2021 (Central Act 14 of 2021), Government of Tamil Nadu framed Rules and notified the same on 15th December, 2023 viz., The Tamil Nadu Allied and Healthcare Professions Rules, 2023. Rule 13 provides eligibility for registration as under:

'13. Eligibility for registration.- Any person who possesses the allied and healthcare qualification as defined in the Act, shall be eligible for registration of his name under the Act.'

5. Rule 14, which speaks about registration reads as under:

'14. Registration.- (1) Any person seeking registration under section 33 of the Act shall apply to the Secretary in Form I furnishing full particulars of the information required therein together with the original degree/diploma/certificate and a photostat copy along with the original challan for payment of fee prescribed in rule 9.

(2) Every applicant for registration, shall in all cases, specify in the application, the names and address of at least two persons willing and able to give evidence of good moral character of the applicant, along with the character certificates.

(a) of whom, one shall be a Medical Practitioner and not a relative of the applicant,



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and who knows the applicant personally for not less than three years; and

(b) another person in whose employment the applicant is on the date of application or who has employed the applicant at any time within two years prior to such date or from the Gazetted officer in case of the applicant is unemployed.

(3) The Secretary or a person authorized in this behalf, shall acknowledge the receipt of application for registration in Form-II.

(4) The Secretary shall register the name of the applicant within a period of three months from the date of receipt of the application, complete in all aspects. After entering the name in the State Register, the original certificate(s) shall be returned to the applicant.

(5) Every applicant whose name has been entered in the State Register shall be entitled to receive a Certificate of Registration from the Secretary in Form-III.

(6) In the event of the certificate issued under sub-rule (5) being lost or destroyed, the holder may at any time during which such certificate is in force, apply to the Secretary for a duplicate certificate and the Secretary may, if he thinks fit, on satisfactory proof as to the identity of the applicant, grant such certificate on payment of the fees prescribed in rule 9. Every Certificate issued under this sub-rule shall be marked "DUPLICATE".

(7) The State Council may reject the grant of registration by recording the reason therefor and after giving an opportunity of being heard to the applicant.



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(8) Every registration shall be valid for a period of five years.

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(9) Every person who has registered his name with the State Council, shall intimate to the Secretary about change of his address within fifteen days therefrom.

6. Acupuncture has been included in the curriculum of U.G. Degree viz., Bachelor of Naturopathy and Yogic Science (BNYS) with 5 ½ years duration offered by Tamil Nadu Dr.MGR Medical University. With regard to P.G. Degree, three courses are conducted at the Government Yoga and Naturopathy Medical College, Chennai and Chengalpattu viz., M.D. (Yoga), M.D. (Naturopathy) and M.D. (Acupuncture and energy medicine). P.G. courses are offered by the Government Yoga and Naturopathy Medical College, Chennai as Doctor of Medicine in Yoga and Naturopathy with specialization in Yoga/Naturopathy/Acupuncture and energy medicine. Institutionally qualified doctors i.e., holders of the degree in BNYS or equivalent degree and registered with the Tamil Nadu Board of Indian medicine are alone to practice and eligible for admission into the said PG courses in Yoga and Naturopathy with specialization in any one of the branches.

7. Therefore, the contention of appellant is found to be incorrect. Under Chapter III Section 22, State Council has been constituted. Functions of State Council are enumerated under Section 30. Section 33



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provides registration in State Register. In exercise of powers conferred by

Section 68 of National Commission for Allied and Healthcare Professions Act, 2021 (Central Act 14 of 2021), Government of Tamil Nadu notified Tamil Nadu Allied and Healthcare Professions Rules, 2023 and the said Rules provide eligibility for registration and the procedures for registration. The courses recognised by State of Tamil Nadu also have been stated and the degree must be recognised by Dr.MGR Medical University. When the eligibility and procedure for registration are contemplated under the Act as well as Rules framed thereunder by Government of Tamil Nadu, the same is to be scrupulously followed in respect of eligible persons intending to practice acupuncture therapy within the State of Tamil Nadu.

8. In the present case, admittedly, appellant has not registered his name in the State Register. As such unregistered acupuncture therapists are practising medicine, 'public health' being State subject under the Constitution of India, State has to protect the interest of the citizens in the matter of public health. Thus, Rules are framed under the Central Act and the procedures contemplated are to be followed scrupulously. State is empowered to frame Rules, in the matter of public health under the Constitution of India and the Rules have already been framed and notified. State has powers to prescribe eligibility to practice medicine in various fields. Now recognized qualifications have been notified by Dr.MGR



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Medical University and registration procedures are also provided. That being the factum, circular issued to create awareness amongst the public at large to file complaint to the Superintendent of Police and District Collector in respect of persons who are practising medicine without possessing qualification and registration, cannot be said to be infirm or violative of any of the provisions of the Act or Rules framed thereunder by the Government of Tamil Nadu.

9. Learned counsel for appellant would rely on Section 38 of National Commission for Allied and Healthcare Professions Act, 2021 (Central Act 14 of 2021). It speaks about provisional registration under the Act. In the present case, appellant has not even registered provisionally. Even for provisional registration, eligibility criteria prescribed under the Act and Rules are to be followed. Educational qualification and other criteria applicable for regular registration must be applied for provisional registration also.

10. In view of the above factum, writ Court has rightly rejected the writ petition and there is no perversity or infirmity. Consequently, writ appeal is dismissed. There shall be no order as to costs.

[S.M.S., J.]

[M.S.Q., J.]



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Index:Yes/No
Neutral Citation:Yes/No
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Near Udyog Bhawan Metro Station,
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- 2.The Secretary to Government,
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