



W.P.No.28132 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.28132 of 2025
and W.M.P.No.31564 of 2025

Excel Medical College for Naturopathy & Yoga
represented its Director-Technical,
Pallakkapalayam, Sankari West Post,
Komarapalayam Taluk, Namakkal District.

... Petitioner

Vs.

1.The Tamilnadu Dr.M.G.R.Medical University
represented by its Registrar, (FAC)
Anna Salai, Guindy, Chennai 600032.

2.The Government of Tamil Nadu
represented by its Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai 600009.

3.The Director of Indian Medicine and Homoeopathy,
Arumbakkam, Chennai. ... Respondents
(R3 deleted vide order dated 31.07.2025 made in
W.P.No.28132/2025)
(R3 Suo Motu impleaded suo motu vide order dated
31.07.2025 made in W.P.No.28132/2025)

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records of
Respondents relating to the order of the 1st Respondent in
R.C.No.Affln.VII(1)/12704/2025 dated 12.05.2025 and quash the same and



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directing the 1st Respondent University to accept the necessary documents and the prescribed fees from the Petitioner required for granting permission to start M.D. (Yoga & Naturopathy) Courses in the Petitioner College and permit the Petitioner for starting M.D. (Yoga & Naturopathy) Courses in Excel Medical College for Naturopathy & Yoga, Pallakkapalayam, Komarapalayam Taluk, Namakkal District from the year 2025-26 without insisting upon an order from the Government.

For Petitioner : Mr.Kandhan Duraisami

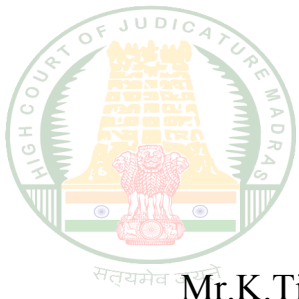
For R1 : Mr.G.Arumugam
Standing Counsel

For R2 and R3 : Mr.K.Tippu Sultan
Government Advocate

ORDER

Before the learned counsel for the petitioner begin his argument, the learned Government Advocate appearing for the respondents 2 and 3 would submit that the Director of Medical Education and Research, Chetpet, Chennai, is not necessary party and the necessary party is Director of Indian Medicine and Homoeopathy, Arumbakkam, Chennai.

2. Hence, the Registry is directed to delete the 3rd respondent and Director of Indian Medicine and Homoeopathy, Arumbakkam, Chennai is ordered to be impleaded *suo motu* as 3rd respondent in the writ petition and



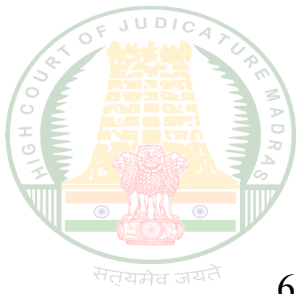
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Mr.K.Tippu Sultan, learned Government Advocate takes notice for the newly impleaded 3rd respondent.

3. The Registry is directed to make necessary amendment in this regard.

4. By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

5. The instant writ petition has been filed with a prayer for issuing a Mandamus, Writ of Certiorarified Mandamus, calling for the records of Respondents relating to the order of the 1st Respondent in R.C.No.Affln.VII(1)/12704/2025 dated 12.05.2025 and quash the same and directing the 1st Respondent University to accept the necessary documents and the prescribed fees from the Petitioner required for granting permission to start M.D. (Yoga & Naturopathy) Courses in the Petitioner College and permit the Petitioner for starting M.D. (Yoga & Naturopathy) Courses in Excel Medical College for Naturopathy & Yoga, Pallakkapalayam, Komarapalayam Taluk, Namakkal District from the year 2025-26 without insisting upon an order from the Government.



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6. Heard the learned counsel for both sides and perused the materials available on record.

7. The learned counsel for the petitioner would submit that the Petitioner-College is an affiliated to the 1st Respondent-University and they have sent an application to the 1st respondent to commence the Post Graduate Degree in M.D. (Yoga & Naturopathy), vide their application dated 29.04.2025 and such representation is pending with the 1st Respondent-University.

8. However, vide impugned order dated 12.05.2025, the same was returned by the 1st Respondent-University on the ground that the petitioner is required to have the Government Order to start MD Post Graduate Course in Yoga and Naturopathy. In this connection, the learned counsel for the petitioner would invite the attention of this Court about the judgment passed by the Division Bench of this Court in W.A.No.3534 of 2019, dated 16.06.2020 in ***Annai J.K.K.Sampoorani Ammal Charitable Trust vs. The Registrar, Tamil Nadu Dr.MGR Medical University*** and referred Paragraph Nos.16 and 17 of the said judgment, the same is extracted hereunder for



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ready reference:-

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“16. It is also a well settled position of law that if a Statute prescribes a thing to be done in a particular manner, it can be done only in that manner and not in any other manner.

17. The State Government lacks power to insist upon obtaining of Essentiality Certificate for the purpose of production before the first respondent/University for processing the Consent of Affiliation. Though heavy reliance has been placed upon the letter of the Principal Secretary to Government of Tamil Nadu, Department of Health and Family Welfare dated 31.08.2018 in Letter No.38630/PME2/2016-4, referred to supra, the said letter has no application to the case on hand for the reason that the said instructions came to be issued in the light of stand alone courses conducted by the first respondent/University, which do not have any affiliation with any of the Statutory Councils, namely MCI/DCI/PCI. Therefore, it is held that it is not obligatory on the part of the appellant to obtain Essentiality Certificate from the State Government and produce before the first respondent/University for processing the Consent of Affiliation.”

9. The learned counsel for the petitioner would further submit that the



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above judgment was subsequently confirmed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.16085 of 2020, dated 12.01.2021. Therefore, it is the contention of the petitioner that the returning of the proposal directing the petitioner to get Government Order does not arise, which is contrary to the ratio laid down by this Court as well as the Hon'ble Supreme Court pertaining to the Essentiality Certificate.

10. At this juncture, the learned Standing Counsel appearing for the 1st respondent and the learned Government Advocate appearing for the respondents 2 and 3 would submit that if the petitioner resubmits the application to start MD Post Graduate Course in Yoga and Naturopathy, the same would be considered in accordance with the judgment of the Division Bench of this Court and in accordance with applicable guidelines.

11. In view of the above submission, without going into the merits of the writ petition, this Court deems it appropriate to direct the petitioner to resubmit the proposal within a period of seven days from the date of receipt of copy of this order and on such receipt of the proposal, the 1st respondent has to consider the same and pass orders according to it's own merits and in



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accordance with and by following the judgment of the Division Bench of this Court in W.A.No.3534 of 2019, dated 16.06.2020.

12. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

31.07.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm

Note: The Registry is directed to issue order copy after carrying out necessary amendment in the cause-title.

To

1. The Registrar, (FAC)
Tamilnadu Dr.M.G.R.Medical University
Anna Salai, Guindy, Chennai 600032.
2. The Secretary,
Government of Tamil Nadu
Health and Family Welfare Department,
Fort St. George, Chennai 600009.
3. The Director of Indian Medicine and Homoeopathy,
Arumbakkam, Chennai.



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C.KUMARAPPAN, J.

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