



W.P.No.32210 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.No.32210 of 2025**  
**and W.M.P.Nos.36105 and 36107 of 2025**

Shri Barani Homoeopathy Medical College,  
Rep. by its Chairman,  
Chikandickepalayam Village,  
Pilakalmedu,  
Kokkarayanpettai, Tiruchengode,  
Namakkal District-638 007.

... Petitioner

Vs.

1.The Union of India,  
Rep. by its Secretary,  
Ministry of AYUSH, EP(IM-2),  
AYUSH Bhavan 'B' Block,  
GPO Complex, INA, New Delhi-110 023.

2.National Commission for Homoeopathy,  
Rep. by its Secretary,  
61-65, Institutional Area,  
Opp. D' Block, Janakpuri,  
New Delhi-110 058.

3.Medical Assessment and Rating Board for Homoeopathy,  
Rep. by its President,  
61-65, Institutional Area,  
Opp. D' Block, Janakpuri, New Delhi-110 058.



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4.National Accreditation Board for Hospitals &  
Healthcare Providers,  
Rep. by its Analyst/NABH/Quality Council of India,  
ITPI Building, 5th Floor,  
4-A, Ring Road, I.P. Estate,  
New Delhi-110 002.

5.The Director of Indian Medicine & Homoeopathy,  
Arumbakkam, Chennai.

6.The Secretary, Selection Committee,  
Indian Medicine & Homoeopathy,  
Arumbakkam, Chennai.

7.Tamil Nadu Dr.MGR Medical University,  
Rep. by its Registrar, Guindy, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondents, pertaining to the Impugned Order of the 3<sup>rd</sup> Respondent in F. No.4-7/MARBH/NCH/2025-26(120-12)/4432, dated 10.07.2025 and the Impugned Order of the 2<sup>nd</sup> Respondent in File No.30-5/2025-26/NCH-GR (GR (84)/5253, dated 12.08.2025 and quash the same and consequently directing the Respondents to grant permission to the Petitioner College to continue BHMS Degree Course with an annual intake of 100 seats for the academic year 2025-2026.

For Petitioner : Mr.Kandhan Duraisami

For R1 : Mr.B.Rabu Manohar

For R2 to R4 : Mr.R.Rajesh Vivekananthan  
Deputy Solicitor General of India



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For R5 and R6

: Mr.K.Tippu Sultan  
Government Advocate

For R7

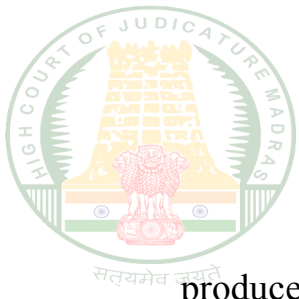
: M/s.C.Latha Rani  
Standing Counsel

### **ORDER**

The present writ petition has been filed with a prayer for issuing a Writ of Certiorarified Mandamus, calling for the records of the Respondents, pertaining to the Impugned Order of the 3<sup>rd</sup> Respondent in F. No.4-7/MARBH/NCH/2025-26(120-12)/4432, dated 10.07.2025 and the Impugned Order of the 2<sup>nd</sup> Respondent in File No.30-5/2025-26/NCH-GR (GR (84)/5253, dated 12.08.2025 and quash the same and consequently directing the Respondents to grant permission to the Petitioner College to continue BHMS Degree Course with an annual intake of 100 seats for the academic year 2025-2026.

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

3. The learned counsel for the petitioner would submit that on 07.08.2025 the President in-charge – Board of Ethics and Registration of Homeopathy (BERH) had issued a mail requesting the Petitioner-College to



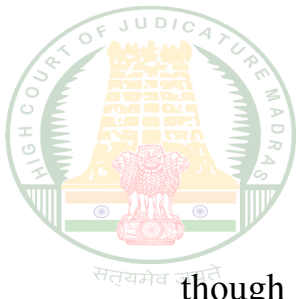
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produce the Teaching Experience Certificate, Credentials related to Graduation and Post Graduation of the Teaching Faculties of the Petitioner-College and their Bank Statement of July 2025, highlighting the salary transactions made by the College and AEBAS Portal biometric attendance of last three months and these documents were directed to be submitted on or before 08.08.2025. In this connection, the learned counsel for the petitioner would invite the attention of this Court on 08.08.2025 itself, they have submitted all the records, which factum was also admitted by the learned Deputy Solicitor General appearing for the respondents 2 to 4.

4. However, it is the contention of the petitioner that in the impugned order dated 12.08.2025 without considering all those documents, the 2<sup>nd</sup> respondent had considered the only affidavit of teaching staffs and rejected their request. It is the specific submission of the petitioner that the very consideration of the 2<sup>nd</sup> respondent is *ipso facto* reflects the non-application of mind as the documents which has been submitted by the petitioner have not at all been considered and they have considered only the affidavit.

5. Per contra, such submission was strongly objected by the Deputy Solicitor General appearing for the respondents 2 to 4 and would submit that



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though the impugned order refers about the affidavit, they have considered all the documents. The said contention was also reiterated by the learned counsel for the 1<sup>st</sup> respondent.

6. I have given my anxious consideration to the submissions made on either side.

7. The short facts to be considered is that whether the documents which had been submitted by the Petitioner-College was considered by the 2<sup>nd</sup> respondent as it find in mail dated 07.08.2025, the President in-charge – Board of Ethics and Registration of Homeopathy (BERH) requested the petitioner to submit so many documents and however, in the impugned order dated 12.08.2025 it refers only the affidavit and did not disclose as to the consideration of other documents. It is endogenous justice of the Authority concerned to take into consideration of all the documents before passing the order and the impugned order must reflects and manifest the consideration of all the documents, whereas in the impugned order it simply refers about the affidavit. Therefore, this Court finds that the respondent did not consider the documents which had been submitted by the petitioner through their letter



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dated 08.08.2025 and receipt of such documents as referred to in the mail dated 07.08.2025 was not in serious dispute. Therefore, in view of the above peculiar circumstances, this Court is of the firm view that the impugned orders did not take into consideration all documents submitted by the petitioner. Therefore, the impugned orders dated 10.07.2025 and 12.08.2025 are liable to be quashed and accordingly, the same are quashed.

8. However, in a peculiar circumstances, this Court deems it appropriate to remit the matter before the 2<sup>nd</sup> respondent for reconsideration by taking into consideration of all material documents and 2<sup>nd</sup> respondent is further directed to complete the above exercise, within a period of four weeks from the date of receipt of copy of this order.

9. In the result, the Writ Petition is allowed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

**25.08.2025**

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



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To  
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- 1.The Secretary,  
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Ministry of AYUSH, EP(IM-2),  
AYUSH Bhavan 'B' Block,  
GPO Complex, INA, New Delhi-110 023.
- 2.The Secretary,  
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- 5.The Director of Indian Medicine & Homoeopathy,  
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**C.KUMARAPPAN, J.**

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