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Writ Petition No.43084 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON :15.12.2025

ORDERS PRONOUNCED ON : 06.01.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.43084 of 2025

Dr.A.Khaleel Ahmed

... Petitioner

Vs.

- 1.The Principal Secretary
Government of Health & Family Welfare
Secretariat in Fort St.George
Chennai – 600 009.
- 2.National Commission for Indian System of Medicine
Represented by its Chairman
Plot No.T-19, 1st and 2nd Floor
Block IV, Dhanwantari Bhawan
Road No.66, Punjabi Bagh (West)
New Delhi – 110 026.
- 3.The Vice Chancellor
The Tamil Nadu Dr.MGR Medical University
Guindy, Chennai – 600 034.
- 4.The Commissioner
Indian Medicine and Homeopathy Department
Arignar Anna Government Hospital of Indian Medicine Campus
Arumbakkam, Chennai – 600 106.
- 5.The Principal
Government Unani Medical College
Chennai.



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6.Dr.Mubasheera Begum

Reader

Govt. Unani Medical College, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Quo Warranto, calling upon the 1st and 5th respondents to demonstrate the legal authority under which it has allowed the 6th respondent to occupy and discharge the duties of Post Graduate (PG) Guide and internal Examiner in the Department of Moalijat (General Medicines), Government Unani Medical College and to declare such appointment as illegal, void ab initio and without jurisdiction and authority.

For the petitioner	:	Mr.S.Hajamohideen Gisthi
For the respondents	:	Mr.A.M.Ayyadurai
		Government Advocate for RR1, 4 & 5
		Ms.S.Sneha
		Standing Counsel for R2
		Mr.A.Mohamed Gouse
		for R3
		Ms.R.Poornima
		for R6

ORDER

This Writ Petition is filed for the issuance of a Writ of Quo Warranto, calling upon the respondents to show cause why the 6th respondent should not be required to demonstrate the legal authority under which she occupies and discharges the duties of Post Graduate Guide and Internal Examiner in the Department of Moalajat (General Medicine), Government Unani Medical

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College, and to declare her appointment as illegal, *void ab initio* and without jurisdiction.

2. The brief factual background in which the Writ Petition arises is that the petitioner is a qualified Unani Medical Practitioner, holding a Doctor of Medicine (Moalajat). He is presently serving as Assistant Medical Officer (Unani) in the Government Medical College and Hospital, Ramanathapuram. The petitioner was also a member of the teaching medical fraternity, serving as an Assistant Professor in the Government Unani Medical College, Chennai, the 5th respondent herein. In the year 2024, in order to favour the 6th respondent, certain complaints were engineered against the petitioner, and the 6th respondent herself also lodged a complaint. As a result, the petitioner was transferred from the 5th respondent's institution to the present position. The petitioner has also challenged the order of transfer, and the same is pending.

3. While so, the 6th respondent, who does not have the requisite qualification as per the statutory rules, was further promoted as Professor and is also now vested with the offices of the Post Graduate Guide and the Internal Examiner in the Department of Moalajat, and hence the present Writ Petition.

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4. This Writ Petition is resisted by the respondents. The 3rd respondent, viz., the Tamil Nadu Dr. MGR Medical University, has filed a counter denying the allegations and the grounds raised in the Writ Petition, and has further contended that there is no illegality in the appointment of the 6th respondent. The 6th respondent has also filed a counter-affidavit, wherein she has denied that her appointment is in any manner illegal and has further stated that the petitioner has been targeting the 6th respondent in every possible way and has dragged her into several proceedings. It is further contended that the 6th respondent was the teacher of the petitioner himself when he underwent his educational qualification in Unani medicine.

5. Heard *Mr.S.Hajamohideen Gisthi*, the learned counsel for the petitioner; *Mr. A.M.Ayyappan*, the learned Government Advocate appearing on behalf of the respondents 1, 4 and 5; *Ms.S.Sneha*, the learned Standing Counsel appearing on behalf of the 2nd respondent; *Mr.Mohamed Gouse*, the learned Standing Counsel appearing on behalf of the 3rd respondent; and *Ms.R.Poornima*, the learned counsel appearing on behalf of the 6th respondent.



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6. Before addressing the contentions made on behalf of the petitioner, the learned counsel appearing on behalf of the petitioner had also placed on record the following Judgments with reference to the law on the point,

<u>Sl. No.</u>	<u>Name of the Parties</u>	<u>Citation</u>
1.	University of Mysore and Another Vs. C.D.Govinda Rao and Another	(1963) SCC OnLine SC 15
2.	Centre for PIL and Another Vs. Union of India and Another	(2011) 4 SCC 1
3.	Rajesh Awasthi Vs. Nand Lal Jaiswal and Others	(2013) 1 SCC 501
4.	Manish Kumar Vs. Union of India and Others	MANU/DE/9622/2025
5.	Dr.Ved Prakash Tyagi Vs. Union of India	(2025) SCC OnLine Del 4260
6.	Gambhirdan K.Gadhvi Vs. State of Gujarat and Others	(2022) 5 SCC 179

7. In this case, there is no dispute regarding the legal proposition that a Writ of Quo Warranto is maintainable, as the office alleged to be held by the 6th respondent is a public office, and the alleged violations are violations of statutory rules and regulations. Therefore, if the petitioner succeeds factually, the Writ of Quo Warranto would be issued.

8. The first and foremost is the designation of the 6th respondent as the Guide and Internal Examiner for Post Graduate / Research students in the



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Department of Moalajat (General Medicine), Government Unani Medical

College, Chennai. In this regard, the relevant regulations are the Indian Medicine Central Council (Post Graduate Unani Medical Education) Regulations, 2016, dated 07.11.2016, published in the Government of India extraordinary gazette, Part III, Section 4, No.397, dated 07.11.2016. As per Regulation 11 (16), the basic qualification for a Guide / Supervisor is set out hereunder:

“The guide or supervisor shall be a person of status of a Professor or Reader or Lecturer having post graduate degree or Visiting Professor or a contractual faculty in the post graduate departments. Visiting faculty will not be considered in teaching strength.”

9. In this regard, it is stated that the 6th respondent joined the Government Unani Medical College on 24.07.2000. Thereafter, she was designated as a Reader and then as a Professor. She also holds a Post Graduate degree in Moalajat. Therefore, she is designated as a guide. The respondents contend that the prayer in the Writ Petition is only with reference to the designation of the 6th respondent as a Guide / Supervisor. Once she satisfies the statutory criteria prescribed under Regulation 11 (16), the Writ Petition has to be dismissed. Though the prayer is made only with reference to the designation of the 6th respondent as a Guide and an Internal Examiner, specific grounds are raised



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essentially against the very appointment of the 6th respondent in the Department of Moalajat, which also has to be examined by this Court.

10. In this regard, the main contention of the petitioner is that the 6th respondent has no teaching experience in the subject concerned, i.e., Moalajat. Regulation 19 sets out the essential qualifications, desirable qualifications and experience for the teaching staff, and the entire Regulation 19 is extracted hereunder for ready reference.

“19. Qualifications and Experience for teaching staff.- The qualifications and experience for teaching staff shall be as follows:-

(a) Essential qualification-

(i) A Bachelor degree in Unani Medicine from a University as recognised under the Act;

(ii) a Post-graduate degree in the subject or speciality concerned included in the Schedules to the Act.

(b) Desirable-

(i) post-graduate teaching experience in the respective discipline;

(ii) original published papers or books on the concerned subject;

(iii) good knowledge of Arabic or Persian and English.

(c) Experience-

(i) For the post of Professor: Total teaching experience of ten years in concerned subject or five years teaching experience as Associate Professor (Reader) in concerned subject or total ten years research experience in regular service in Research Councils of Central Government or State Government or Union territory or University or National Institutions with not less than five papers published in journal.

(ii) For the post of Reader or Associate Professor: Teaching experience of five years in concerned subject or total five years research experience in regular service in Research Councils of Central



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Government or State Government or Union territory or University or National Institutions with not less than three papers published in journal.

(iii) For the post of Assistant Professor or Lecturer at the time of first appointment, the age shall not exceed forty-five years and no teaching or research experience is required.

(d) Qualification and experience for the post of Head of the Institution – The qualification and experience for the post of Head of the Institution (Principal or Dean or Director) shall be the qualification and experience prescribed for the post of Professor .

(e) Provision for allied subjects: In absence of the candidate of post-graduate qualification in the subject concerned as mentioned in column (2) of the table, the candidate of post-graduate qualification in the allied subjects as mentioned in column (3) of the table, shall be considered eligible for the post of Lecturer or Assistant Professor, Reader or Associate Professor and Professor:-

Table

S. No.	Subject	Allied Subjects
(1)	(2)	(3)
1.	Tashreehul Badan	Ilmul Jarahat or Kuliyate Tib
2.	Munafeul Aza	Kuliyate Tib
3.	Saidla	Ilmul Advia
4.	Mahiyatul Amraz	Moalajat or Kuliyate Tib
5.	Ilaj bit Tadabeer	Moalajat or Tahaffuzi wa Samaji Tib
6.	Amraze Jild	Moalajat
7.	Amraze Uzn, Anf, Halq wa Asnan	Ilmul Jarahat or Moalajat
8.	Amraze Ain	Ilmul Jarahat or Moalajat
9.	Ilmul Atfal	Moalajat or Qabalat wa Amraze Niswan

Note 1: The provision of allied subjects may be allowed for five years from the date of publication of these regulations.

Note 2: The teacher(s) who had been considered eligible in the past on the basis of the Indian Medicine Central Council (Post-Graduate Education) Regulations, 1979 and the Indian Medicine Central Council (Post-graduate Unani Education) Regulations, 2007, shall not be considered ineligible after publication of these regulations.



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Note 3: Teachers who are working in recognized Unani medical colleges and appointed prior to year 2007 shall be eligible for appointment or promotion for post of Professor, Reader and Lecturer in the respective discipline without post-graduate qualification.

Note 4: For appointment or promotion to the post of Professor and Reader in the respective disciplines, the non-post-graduate Lecturer and Reader shall have minimum thirteen years, and eight years of teaching experience respectively. Provided that this provision shall continue for five years from the date of publication of this notification in official Gazette.

Note 5: The research experience of regular Doctor of Philosophy (Ph.D.) holder may be considered equivalent to one year teaching experience”

(Emphasis supplied)

11. The petitioner contends that the 6th respondent has worked only in the Department of Niswan wa Qabalat (Obstetrics and Gynaecology) throughout. The said subject is not an allied subject in respect of Moalajat. The 6th respondent has filed a false affidavit, as if she had 10 years of teaching experience in the subject of Moalajat. The table of allied subjects is also set out in the regulations, and it appears that Niswan wa Qabalat is not an allied subject for Moalajat.

12. On consideration of the above rule, it is clear that the person should have a total teaching experience of 10 years if he or she does not possess 5 years' experience as an Associate Professor (Reader) in the concerned subject. In this regard, the respondents rely on Note 3 of the Regulations, and the same is

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extracted hereunder.

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“Note 3: Teachers who are working in recognized Unani medical colleges and appointed prior to year 2007 shall be eligible for appointment or promotion for post of Professor, Reader and Lecturer in the respective discipline without post-graduate qualification.”

13. The 6th respondent was appointed prior to 2007 as her initial appointment was on 24.07.2000 and therefore, the Post Graduate qualification in the concerned subject is not a prerequisite. In any event, the 6th respondent has also obtained a Postgraduate degree in the discipline of Moalajat in 2022. Still, the requisite under Regulation 19(c) for appointment as Professor, under Regulation 16(2) for guiding Postgraduate students, and under Regulation 14(3) to be an Examiner is the teaching experience in the concerned subject.

14. As rightly contended by the learned counsel for the petitioner, the teaching experience of the 6th respondent in the other subject, viz., Niswan wa Qabalat (Obstetrics and Gynaecology) cannot be taken into account as it is not an allied subject as per the tabular column provided under Regulation 19. At the same time, a reading of Note 3 to Regulation 19 shows that Post-Graduation in the relevant subject was not required; therefore, when the rules refer to teaching



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experience, it cannot be treated as such after obtaining the Post-Graduation qualification. For appointment as a Professor, a total of 10 years of teaching experience is required. Therefore, the only question to be decided is whether the 6th respondent has taught the subject of Moalajat for 10 years.

15. It is stated in her affidavit that even though she was in a different department, the teaching in the 5th respondent Institution was interdisciplinary, and she has been teaching the subject Moalajat, right from the date of her initial appointment in the year 2000. It is her specific case that she taught the subject of Moalajat, including to the petitioner herein, when he was enrolled in the course under her supervision.

16. In paragraph No.9 of the counter affidavit filed by the Principal, Government Unani Medical College, it is stated as follows:-

“.....She continuously engaged in integrated clinical teaching across multiple disciplines including moalajat as per the institutional and NCISM norms.....”

Even as per the counter-affidavit of the 6th respondent, she has claimed two decades of continuous teaching experience, including the subject of Moalajat.



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17. To the counter affidavit filed on behalf of the Principal, Government Unani Medical College, no rejoinder of affidavit was filed by the petitioner denying that the 6th respondent had not taught the subject of Moalajat, prior to her appointment in the Department. Therefore, when the statute prescribes only the teaching experience in the concerned subject, with reference to the Professors appointed prior to the year 2007 and when the Professor as well as the Institution claim that she has teaching experience in the concerned subject, especially when the counter affidavit is filed that the teaching is interdisciplinary and the Professors appointed in one Department taught the subjects of the other Department also and when the 6th respondent and the 5th respondent claim that the 6th respondent has taught the subject of Moalajat for 10 years and more, there is nothing on record to prove that she never taught the subject of Moalajat for 10 years prior to her appointment as Professor in the year 2023. In the absence thereof, unless the violation of the statutory regulation is demonstrated and proved clearly, the Writ of Quo Warranto cannot be issued.

18. Yet another argument is made with reference to the age criteria mentioned in Regulation 19. It is evident that the minimum age criteria are

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prescribed for the entry-level post of Assistant Professor, and reliance on them is misplaced. Therefore, even considering the relief on merits, without reference to the respondents' objection that the Writ Petition is filed only with reference to the appointment as the Internal Examiner and the Post Graduate Guide, I am still unable to find merits in the petitioner's contention regarding the lack of qualification as prescribed in the statutory regulations.

19. Accordingly, finding no merits, this Writ Petition stands dismissed. No costs.

06.01.2026

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Neutral citation : Yes
To

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D.BHARATHA CHAKRAVARTHY, J.,
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3.The Vice Chancellor
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4.The Commissioner
Indian Medicine and Homeopathy Department
Arignar Anna Government Hospital of Indian Medicine Campus
Arumbakkam, Chennai – 600 106.

5.The Principal
Government Unani Medical College
Chennai.

Pre-Delivery Order made in
W.P.No.43084 of 2025

06.01.2026