

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Ninth day of August Two Thousand Eighteen

PRESENT

THE HON'BLE MR JUSTICE S.S.SUNDAR

WP NO.21959 OF 2018

AND WMP.NO.25749 OF 2018

LORD BALAJI EDUCATIONAL & [PETITIONER IN BOTH THE PETITIONS]
CHARITABLE TRUST, REP. BY CHAIRMAN, DR. S.
RAJAMANICKOM, SHRI SHELLAPHA HOSPITAL CAMPUS
231, RAJARAM NAGAR NEAR GANDHI STADIUM,
SALEM - 636 007.

Vs

1 THE GOVERNMENT OF TAMIL NADU [RESPONDENTS IN BOTH THE PETITIONS]
REP. BY UNDER SECY TO THE GOVT. OF INDIA,
MINISTRY OF AYURVEDA, YOGA & NATUROPATHY
UNANI, SIDDHA & HOMOEOPATHY (AYUSH) AYUSH
BHAWAN, NEW DELHI.

2 THE CENTRAL COUNCIL OF
HOMOEOPATHY (CCH),
REP. BY SECY, JAWAHARLAL
NEHRU BHARTIYA CHIKITSA AVUM,
HOMOEOPATHY ANUSANDHAN BHAWAN,
NO. 61'-65, INSTITUTIONAL
BHAWAN, NEW DELHI.

3 THE COMMISSIONER
DIRECTORATE OF INDIAN MEDICINES &
HOMOEOPATHY, ARUMBAKKAM,
CHENNAI - 600 106.

4 TAMIL NADU DR. M.G.R. MEDICAL
UNIVERSITY, REP. BY ITS REGISTRAR,
69, ANNA SALAI, GUINDY, CHENNAI - 32.

Writ Petitions under Article 226 of the Constitution of India
praying that in these circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to

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issue a WRIT OF CERTORARIFIED MANDNAMUS or any other writ, order or direction in the nature of writ calling for the records pertaining to the impugned order in F.NO.R. 17014/ 164/ 2013-2018-EP(H) dated 03.08.2018 passed by the 1st respondent in so far as reducing the seats as 50 for the petitioner college for admission to BHMS Degree Course for the academic session 2018-2019 quash the same and direct the 1st respondent to issue a corrigendum mentioning the number of seats as 100 seats instead of 50 seats for admission to BHMS degree course for the academic session 2018-2019 to the petitioner college (in WP.No.21959/18)and;

(ii) To direct the 3rd & 4th respondent to allow the petitioner college (Dr. Hahneman Homeopathy Medical College and Research Centre, Koneripatty Panchayat, Rasipuram Taluk, Namakkal District) to admit 100 students (65 government seats and 35 seats by the management) for the 1st year BHMS Degree course 2018-2019 in the counselling to be held on any dated pending disposal and subject to the outcome (in WMP.No.25749/18) pending in WP.No.231959/18 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.G.MASILAMANI Senior Counsel for M/S.A.THIRUMURTHY Advocate for the petitioner in both the petitions and of M/S.M.T.ARUAN Advocate on behalf of the 2nd respondent in both the petitions the court made the following order:-

Mr.M.T.Arunan, learned counsel takes notice for the second respondent. Notice to the respondents 1, 3 and 4 returnable in two weeks. Private Notice is also permitted.

2. Prima facie, this Court is of the view that the impugned order is in violation of principles of natural justice and was passed contrary to the recommendation of the second respondent and the orders passed by this Court earlier for the previous academic year.

3. The learned Senior Counsel appearing for the petitioner stated that once intake of seats was granted by the second respondent prior to 2003, it cannot be reduced without due process and that the recommendation for allowing admission, enabling the petitioner's College to admit students, cannot be ignored by the first respondent.

4. It is further stated that the petitioner had the permission of the first respondent to admit 100 students and that the petitioner is enjoying such benefits from 2013.

5. Having regard to the above facts, there shall be an order of interim direction to the respondents 3 and 4 to allow the petitioner's College to admit 100 students (65 Government seats and 35 seats by the Management) for first year BHMS Degree course 2018-19, subject to the final outcome of the writ petition.

-sd/-
29/08/2018
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 UNDER SECY TO THE GOVT. OF IND
THE GOVERNMENT OF TAMIL NADU MINISTRY OF
AYURVEDA, YOGA & NATUROPATHY UNANI, SIDDHA &
HOMOEOPATHY (AYUSH) AYUSH BHAWAN, NEW DELHI

2 THE SECRETARY, THE CENTRAL
COUNCIL OF HOMOEOPATHY (CCH), JAWAHARLAL
NEHRU BHARTIYA CHIKITSA AVUM, HOMOEOPATHY
ANUSANDHAN BHAWAN, NO. 61'-65, INSTITUTIONAL
BHAWAN, NEW DELHI

3 THE COMMISSIONER
DIRECTORATE OF INDIAN MEDICINES &
HOMOEOPATHY, ARUMBAKKAM, CHENNAI - 600106

4 THE REGISTRAR,
TAMIL NADU DR. M.G.R. MEDICAL UNIVERSITY,
69, ANNA SALAI, GUINDY, CHENNAI - 32

C.C. TO M/S.A.THIRUMURTHY ADVOCATE SR.NO.10259

C.C. TO M/S.N.RAJAN ADVOCATE SR.NO.10188

C.C. TO M/S.P.R.GOPINATHAN ADVOCATE SR.NO.10208

The Government Advocate, High Court, Madras - 104.

Order
in
WP.21959/2018
and WMP.No.25749/2018
Date :29/08/2018

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SDR 03.09.2018

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Having regard to the above facts, there shall be an order of the Director to the respondents 2 and 3 to allow the petitioner's College to admit 100 students (65 Government seats and 35 seats by the Management) for first year BAMS course commencing from the year 2018-19 subject to the final outcome of the writ petition.

TRUE COPY
25/08/2019

Sub-Registrar, Registrar, C.A.
High Court, Madras - 600 004

Alpola A. S. Srinivasan

Government
Court Registrar

THE GOVERNMENT OF TAMIL NADU
MINISTRY OF
HIGHER EDUCATION, YOGA & NATUROPATHY, MOUNT ROAD,
CHENNAI - 600 004

THE SECRETARY, THE CENTRAL
BOARD OF NATUROPATHY (CBN),
NATUROPATHY COLLEGE, 10/1, 10/2,
ANANDAPURAM ROAD, CHENNAI - 600 004

THE COMMISSIONER,
DIRECTORATE OF INDIAN MEDICINES,
NATUROPATHY, ANANDAPURAM, CHENNAI - 600 004

IN THE HIGH COURT OF TAMIL NADU AT MADRAS	
C. O. No.	8577 of 19
Application made	9.4.2019
Application returned	20
Application represented	21
Stamps called for	10.4.2019
Stamps deposited	10.4.2019
Addl. Stamps called for	24
Addl. Stamps deposited	26
Copy ready	10.4.2019
Copy delivered	10.4.2019

(Signature)
Superintendent