

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Fifth day of October Two Thousand Twelve

PRESENT

THE HON'BLE MR. JUSTICE N. PAUL VASANTHAKUMAR

MP No.2 of 2012

IN WP. 25754/2012

1 UNION OF INDIA [PETITIONERS]
REP BY UNION TERRITORY OF PUDUCHERRY BY
SECRETARY (HEALTH), CHIEF SECRETARIAT,
PUDUCHERRY

2 RAJIV GANDHI AYURVEDA MEDICAL
COLLEGE AND HOSPITAL, MAHE BY ITS PRINCIPAL,
GOVT. OF PUDUCHERRY INSTITUTION, CHALLAKARI
VILLAGE, MAHE, P. B. NO.26, MAHE 673310

Vs

1 THE UNDER SECRETARY TO GOVT. [RESPONDENTS]
OF INDIA, MINISTRY OF HEALTH AND
FAMILY WELFARE, DEPARTMENT OF AYUSH,
IRCS BUILDING, 1 RED CROSS ROAD, NEW DELHI 01

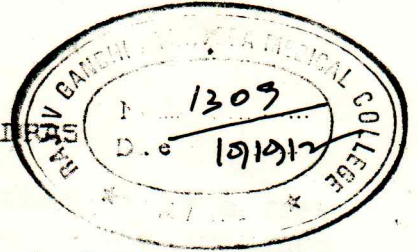
2 THE CHAIRMAN
CENTRAL COUNCIL OF INDIAN MEDICINE,
NEW DELHI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass interim direction directing the 1st respondent to allow the petitioner college to admit the students for the 1st year B.A.M.S. Course for the academic year 2012-13 pending WP.No.25754 of 2012.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Government Pleader (PONDY.), Advocate for the petitioner, the court made the following order:-

The second Petitioner College was granted permission by the Government of India by order dated 8.9.2010 for the academic year 2010-2011 and by order dated 28.7.2011 for the academic year 2011-2012 for admission of 50 students in BAMS course under section 13A of the Indian Medicine Central Council Act, 1970, pursuant to which students were also admitted for the academic years 2010-2011 and 2011-2012. The college was granted provisional affiliation by the University of Pondicherry.

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2. It is claimed by the petitioner College that it is a free education institution and no fee is being levied. The impugned order is passed denying permission to admit students for the academic year 2012-2013. It is the contention of the petitioners that similar reason stated in the similar impugned orders were already found erroneous by this Court in W.P.Nos.3589 and 4452 of 2012 and the said orders were quashed by order dated 12.3.2012 insofar as the institutions run by the Government of Tamil Nadu are concerned. It is further stated that the second petitioner College is established and administered by the Union territory of Puducherry.

3. Considering the above said facts, there will be an interim order permitting the petitioners to go ahead with admission of 50 students in BAMS course for the academic year 2012-2013 on condition that before commencing the course for the students to be admitted pursuant to this order, the petitioner shall satisfy the compliance of deficiencies pointed out in the impugned order. If not, the admissions to be made and the commencement of classes shall abide by the final orders to be passed in the writ petition. Neither the petitioners nor the students to be admitted for the academic year 2012-2013 pursuant to this order shall plead equity merely because they are granted permission as above.

-sd/-
05/10/2012

TRUE COPY /

M. Shanthi 8.10.12.
Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

THE UNDER SECRETARY TO GOVT.
INDIA, MINISTRY OF HEALTH AND FAMILY
WELFARE, DEPARTMENT OF AYUSH, IRCS BUILDING,
RED CROSS ROAD, NEW DELHI 01

THE CHAIRMAN
CENTRAL COUNCIL OF INDIAN MEDICINE, NEW DELHI