

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 30.07.2024

PRONOUNCED ON : 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.11463 of 2024

K.Jayakumar

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The Director General of Police,
Mylapore,
Chennai - 600 004.
- 3.The District Collector,
Thanjavur District,
Thanjavur.
- 4.The Superintendent of Police,
Thanjavur District,
Thanjavur.



5.The Registrar,
Tamil University,
Thanjavur.

: Respondents

[R.5 *suo-motu* impleaded vide order dated 24.06.2024]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the fourth respondent not to interfere with the running of Siddha Clinic by the petitioner at Kottara Street, Vallam, Thanjavur Taluk and District, practicing Siddha medicine without any deviation, in consideration of the petitioner's representation dated 19.01.2024, within a stipulated time frame.

For Petitioner : Mr.A.Arun Prasad

For Respondents: Mr.P.Kottai Chamy,
Government Advocate (Crl. Side)
for R.1 to R.4

Mr.C.Arul Vadivel @ Sekar
Senior Counsel
for Mr.K.Sachin Rahul
for R.5



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ORDER

The petitioner, claiming to be a Doctor practising Siddha Medicine in the strength of a Diploma Certificate issued by the Tamil University, Tanjore, has approached this Court that the Police is harassing him for practising Siddha Medicine by running a clinic. Therefore, he sought for a direction as against the Police not to harass him / interfere with the running of his Siddha Clinic.

2.The petitioner has also relied on the Diploma Certificate issued by the Tamil University, Tanjore, in Siddha Medicine. The Certificate was issued under the seal of the Tamil University, Tanjore, signed by the Registrar and the Vice Chancellor. An endorsement was also available that the certificate is not amenable to Government Service or Jobs.

3.According to the petitioner, he has completed 10+2 and thereafter, studied Diploma in Siddha Medicine in May, 2008. That apart, he is also having the qualification of BEMS from Sahara Shiksha Peeth. He is practising Siddha Medicine by running a Siddha Clinic from



the year 2008. Since he was successful in Siddha Medicine, those who are practising Allopathy Medicine have foisted false complaints as against the petitioner in the year 2010, which was tried by the learned Judicial Magistrate No.II, Thanjavur and he was acquitted from the criminal case. Thereafter, at the instance of the Health Inspector, Thanjavur, a criminal case was foisted as against him, as if he is using Allopathy Medicine and Syringe for injection. Based on this complaint, another case was registered in Crime No.148 of 2023, dated 09.04.2023. In this case, the petitioner was arrested and thereafter, enlarged on bail.

4.The grievance of the petitioner is that he is practising Siddha Medicine for the welfare of the public, without involving any Allopathy Medicine. However, he is subjected to continuous harassment and threat at the instance of the Allopathy Doctors, who are intending to prevent the petitioner from practising Siddha Medicine.

5.Learned Government Advocate (Crl. Side), on instructions, submitted that one Dr.K.Mohanraj, a Civil Surgeon / defacto



complainant has lodged a complaint that the petitioner was running a WEB CLINIC by giving allopathic medicine, without proper educational qualification. Based on this complaint, a case was registered in Vallam Police Station Crime No.148 of 2023, for the offence u/s.419, 420 IPC r/w. Section 15/12(2) of the Tamil Nadu Medical Council Act, 1973, as against this petitioner.

6.A Public Interest Litigation was filed as against the Diploma in Siddha Medicine course conducted by the Tamil University in WP.No. 28814 of 2007 and the First Bench of this Court has disposed of the said writ petition on 13.10.2008 that the Tamil University, Thanjavur, cannot conduct a Diploma in Siddha Medicine, as it does not have the required faculty to teach. The First Bench has also held that after the enactment of Tamil Nadu Dr.MGR Medical University Act, 1987, no University, other than Dr.MGR Medical University, can conduct any course in Siddha without permission. Therefore, on and from 13.10.2008, this Court has restrained the Tamil University, Thanjavur, from conducting any course of Diploma in Siddha Medicine.



WEB COP 7. Therefore, this Court *suo-motu* impleaded the Registrar of Tamil

University, Thanjavur and raised the following queries:-

“10. ... i) under what authority they have conducted the Diploma Course in Siddha Medicine?

ii) how long the Course was conducted and how many persons have been issued with the Diploma Certificates?

iii) the steps taken by the University in recalling the Diploma Certificates issued by the University, after the orders of the First Bench of this Court in WP.No.28814 of 2007, dated 13.10.2008?

iv) how they have ensured that the persons who obtained the Certificates are not practising Siddha Medicine?”

8.The fourth respondent / Superintendent of Police was also directed to file a status report.

9.Accordingly, the fourth respondent has filed a status report, narrating the facts of the case in Crime No.148 of 2023. The status report further reads that the certificate [Diploma in Siddha Medicine] submitted by the petitioner was a fake one and therefore, the offence has



been altered into Sections 419, 420, 465, 468, 471 IPC r/w Section 15/12(2) of the Tamil Nadu Medical Council Act, 1973. They are yet to file the final report.

10.Learned Senior Counsel appearing for the fifth respondent / Registrar of Tamil University submitted that the course offered by the University was only a Diploma Course to provide awareness about Siddha Medicine among the public and it is not for practising Siddha Medicine. It was started in the year 2007-08 and discontinued from the year 2008 itself.

11.He further submitted that the petitioner has enrolled in the Diploma Course and also cleared the exam. However, he did not obtain the certificate from the University, as per the certificate issuance register. He further submitted that the Certificate enclosed by the petitioner in the typedset of papers is a forged one with certain editing in the endorsement, as under:-

“This certificate is not amenable to Government Service or jobs.”



However, in the actual certificate issued by the University, the following

WEB COPY endorsement would be available:-

*“The Diploma in Siddha Medicine is not recognised to practice as
Siddha Doctor.”*

12. With regard to the queries raised by this Court, learned Senior Counsel has responded as infra.

Query 1:-

i) As per Section 4(3) of the Tamil University Act, 1982, the object of the Tamil University is to facilitate and regulate advanced study and research in fields like Art, Culture, Music, Stageplay, Painting, Sculpture, Architecture, Literature, Grammar, Linguistics, History, Religion, Philosophy, Geography, Soil Sciences, Astrology, **Siddha Medicine**, Engineering Sciences and Handicrafts, that have developed on the basis of the Tamil Language and Literature.

ii) The Tamil University has obtained provisional recognition from the Indira Gandhi National Open University vide File



No.DEC/Univ/State/07/5618 dated 10.09.2007, for offering

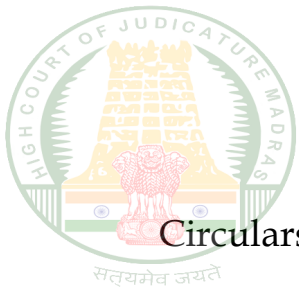
programmes through distance mode for a period of one year, for the academic year 2007-08.

Query 2:-

The Diploma in Siddha Medicine was a one year course. It was commenced in the year 2007 and discontinued from 2008, ie., only one batch. A total of 878 students have enrolled for the course, of which, 744 students have cleared the examinations. Of these 744 students, 576 students have obtained Mark Sheet and Diploma Course certificates from the University.

Query 3:-

After the orders of the First Bench dated 13.10.2008, the University has discontinued the Diploma in Siddha Medicine course. Thereafter, the University has obtained an undertaking from all the students, who have received the Diploma Certificate, that the Diploma in Siddha Medicine course is not recognized to practice as Siddha Doctor. In addition to that,



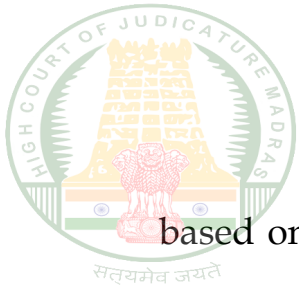
Circulars and Office Notes were also issued by the Tamil University to that effect.

Query 4:-

After specifically mentioning in the Diploma Certificate and obtaining undertaking form from the students, who have received the certificates and issuing Circulars, the University has not received any complaints / information regarding any person practicing Siddha Medicine illegally by holding the Diploma in Siddha Medicine certificate issued by the Tamil University, till date.

13.This Court considered the rival submissions made on either side and perused the materials placed on record.

14.Initially, the case against the petitioner was that he was practicing Allopathy medicines without proper qualification. The petitioner, on the other hand, disputed the same and claimed that he is practicing Siddha Medicine only and that he is duly qualified to do so,



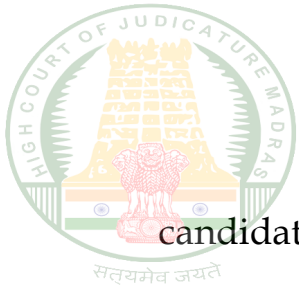
based on the certificate obtained in Diploma in Siddha Medicine course

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from the Tamil University, Thanjavur. From the report of the fifth respondent, it is clear that the petitioner is making a claim based on a forged certificate. Even if the certificate is legitimate, the petitioner cannot still practice Siddha Medicine, as it is not for practicing.

15. Therefore, this Court is not inclined to grant any relief to the petitioner in this writ petition. The Inspector of Police, Vallam Police Station, shall proceed further with the investigation in Crime No.148 of 2023 and take appropriate action, in accordance with law.

16. From the report of the fifth respondent, it appears that 576 students have received the Diploma Course certificates from the Tamil University, during the Academic Year 2007-08. Though the certificates are said to have been issued with an endorsement 'not for practice' and an undertaking was also obtained by the University, in reality, it is not known as to how far it is being followed by the respective certificate holders. The fact remains that these Certificates were issued that the



candidate was admitted in Diploma in Siddha Medicine and was qualified with I / II Class. If any of these students are practicing Siddha with these Certificates, it would definitely play havoc on the society. Already we are witnessing several cases regarding quacks. Therefore, the respondents 1 & 2, in co-ordination with the fifth respondent / Tamil University, shall ensure that nobody is practicing Siddha Medicine, throughout the State, using the Diploma in Siddha Medicine certificate issued by the fifth respondent University.

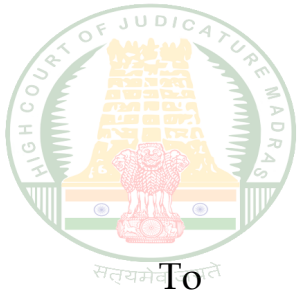
With the above observations and directions, this writ petition stands dismissed. No costs.

For reporting compliance, post on **27.01.2025**.

Internet : Yes
Index : Yes / No
NCC : Yes / No

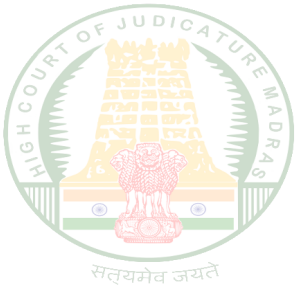
24.10.2024

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To
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- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The Director General of Police,
Mylapore,
Chennai - 600 004.
- 3.The District Collector,
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- 5.The Registrar,
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B.PUGALENDHI, J.

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