

GAHC020004102019



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : WP(C)/152/2019

CLASSICAL HOMEIO MEDICAL PRACTITIONERS FEDERATION
A SOCIETY REGISTERED UNDER THE SOCIETY REGISTRATION
ACT, 1860,
HAVING UAM NO. TN20D0049570, HAVING ITS REGISTERED
ADDRESS AT 123,EAST KADU, VADUGATHAMPATTY, THAMAYANUR,
SALEM, TAMIL NADU - 6361115, REPRESENTED BY ITS GENERAL
SECRETARY, DR. K. SAMINATHAN,(LICENCE NO.3173 'B'/1998)
R/O NO. 34/1 SUNDARAMBAL NAGAR, VELAYUTHAMPALAYAM,
KARUR TALUK, KARUR, TAMIL NADU

VERSUS

THE REGISTRAR, BOARD OF HOMOEOPATHIC SYSTEM OF
MEDICINE AND ANR
NAGALAND, C/O DIRECTOR OF HEALTH SERVICES, KOHIMA, N/L

2:THE REGISTRAR

Advocate for the Petitioner : TAKA KICHU

Avocate for the Respondent :

Linked Case : WP(C)/260/2021

DR. BISHU CHAKRABORTY AND 14 ORS
S/O KANAI CHAKRABORTY
RESIDING AT RA-8/A
BASANTI DEVI COLONY
SALT LAKE
SECTOR -IV
BIDHANNAGAR(M)

BIDHANNAGAR SAI COMPLEX
KOLKATA

2: DR. GOURANGA DASGUPTA
S/O LATE RAMESH CHANDRA DASGUPTA
RESIDING AT YADUNATH BATI ROAD
MALANCHHA
YADUNATHBATI
I NORTH 24-PARGANAS
PIN - 743135

3: DR. ASHIS KUMAR ROY
S/O LATE PARBATI NOTH ROY
RESIDING AT 29
SITANATH BOSE LANE
SALKIA
HOWRAH - 711106

4: DR. INDUYUTI MUKHERJEE
S/O LATE SHIBA PRASAD MUKHERJEE
RESIDING AT AYMADANGA 7 NO. LANE
SIMLA(CT)
CHINSURAH
DISTRICT HOOGHLY
PIN-712202

5: DR. PUSPA MANJURI MUKHERJEE
D/O LATE SHIBA PRASAD MUKHERJEE
RESIDING AT 3/E
MALLICKPARA SERAMPORE
HOOGHLY
PIN - 712203

6: DR. SANTANU BHADURI
S/O LATE TARAPRASANNA BHADURI
RESIDING AT SARAT BOSE COLONY
HALTU
KOLKATA - 700078

7: DR. UTPAL MAJUMDAR
S/O LATE DHIREN MAZUMDAR
RESIDING AT A-82
SHIBNAGAR IST LANE
GARDEN REACH
MAHESHTALA(M)
KOLKATA - 700024

8: DR. SAMBHU NATH GANGULY

S/O LATE JAGADISH GANGULY
RESIDING AT 22/6/A
PARUI DAS PARA ROAD
SHYAM SUNDAR PALLY
SARSUNA
SOUTH 24 - PARGANAS
KOLKATA - 700061

9: DR. SAMAR BANDYYOPADHYAY
S/O LATE SUDHIR MOHAN BANERJEE
RESIDING AT 1/83
N.S.C. BOSE ROAD
NAKTALA
KOLKATA - 700047

10: DR. KAUSHIK CHATTERJEE
S/O SANAT CHATTERJEE
RESIDING AT 23E
GOPAL CHATTERJEE ROAD
KASHIPUR
COSSIPORE H.O. KOLKATA - 700002

11: DR. KRISHNA KUMAR DAS
S/O BRAHMADEO DAS
RESIDING AT 213/12
NETAJI UDDAN G.C. ROAD
TITAGARH(M)
TITAGARH
NORTH 24 - PARGANAS
KOLKATA - 700119

12: DR. SK. ABID ALI
S/O LATE SAYED ALI
RESIDING AT SEWLI MATHPARA
TELINIPARA
TITAGARH
NORTH 24 - PARGANAS
KOLKATA - 700121

13: DR. SUMAN BHATTACHARJEE
S/O LATE S. BHATTACHARJEE
RESIDING AT PASCHIMPARA BALLY
GHOSHPARA
NISCHINDA
ANANDANGAR
HOWRAH - 711227

14: DR. MALAY KUNDU
S/O LATE KANU KUNDU
RESIDING AT 2
SHYAM SUNDAR PALLY MAIN ROAD
SHAKUNTALA PARK
SARSUNA
KOLAKATA - 700061

15: DR. MOHAN KR. MAJHI
S/O LATE K.C. MAJHI
RESIDING AT TELINIPARA
MAJHI PARA
SEWLI TELINIPARA
NORTH 24 - PARGANAS
KOLAKATA - 700121
VERSUS

THE UNION OF INDIA AND 7 ORS
THROUGH THE SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF ISM AND HOMOEOPATHY
1
IRSC BUILDING
RED CROSS ROAD
NEW DELHI - 110001

2:THE SECRETARY
CENTRAL COUNCIL OF HOMOEOPATHY
JAWAHARLAL NEHRU BHARTIYA CHAKITSA AVUM
HOMOEOPATHIC ANUSANDHAN BHAWAN
61-65 INSTITUTIONAL AREA(OPP.D BLOCK)
JANAK PURI
NEW DELHI - 110058

3:THE SECRETARY
GOVT. OF NAGALAND
HEALTH AND FAMILY WELFARE DEPARTMENT
HAVING ITS OFFICE AT KOHIMA
NAGALAND - 797001

4:THE DEPUTY SECRETARY
GOVT. OF NAGALAND
HEALTH AND FAMILY WELFARE DEPARTMENT
HAVING ITS OFFICE AT P.O. KOHIMA
NAGALAND - 797001

5:THE BOARD OF HOMOEOPATHI SYSTEM OF MEDICINE
NAGALAND

P.O KOHIMA
NAGALAND - 797001

6:THE REGISTRAR
HOMOEOPATHIC SYSTEM OF MEDICINE
NAGALAND
P.O. - KOHIMA
NAGALAND - 797001

7:THE OFFICER-IN-CHARGE(HOMOEOPATHY)
DIRECTOR HEALTH SERVICES
GOVT. OF NAGALAND
KOHIMA
NAGALAND

8:THE STATE OF WEST BENGAL
THROUGH THE SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT
SWASTHYA BHAVAN
SALT LAKE
KOLKATA - 700091

Advocate for : KARYAN KUMAR CHAKRABORTY
Advocate for : CGSC appearing for THE UNION OF INDIA AND 7 ORS

Linked Case : WP(C)/180/2019

DR. SIDDHARTHA KUMAR DEY AND 106
S/O BISWARUP DEY
36/1/C
RAM NABAMI TALA LANE
BALLY
HOWRAH

2: DR. SANJOY KUMAR DUTTA
S/O PANCHANAN DUTTA
4/A
NAFAR CHANDRA LAHA LANE
KOLKATA

3: DR. ARUNAVA GOSWAMI
S/O MAKHAN LAL GOSWAMI
POST - ISLAMPUR DISTRICT
N. 24 PGS. PIN CODE 743290

4: DR. SANKAR KR. KANDU
S/O BHAGABAN KANDU
SUKANTA PALLY
POST - RABINDRA NAGAR
KOLKATA - 700065

5: DR. KAMAL MONDAL
S/O ASHOK MONDAL
VILLAGE - BAKCHARA
P.O - BOIKARA
DIST. N 24 PGS. PIN - 743245

6: DR. BEAUTY PAUL
D/O MILON KANTI PAUL
2/23
ANGANA ABASAN
490 M.B.ROAD
BIRATI
KOLKATA

7: DR.DEBABRATA PAUL
S/O DWIGENDRA CHANDRA PAUL 450 UTTAR NILACHAL
BIRATI
KOLKATA

8: DR. KAMAL HOSSAIN
S/O RAFIKUL ISLAM
VILL - DAKSHIN KOLSUR
POST - KOLSUR
DEGANGA
PIN - 743438

9: DR. DEELIP DEBNATH
S/O NAKUL DEBNATH
ISLAMPUR(SOUTH)
POST NAHATA
DIST - N.24 PGS
PIN - 743290

10: DR. SHYAMAL BALA
S/O PARITOSH BALA
PURANDAR PUR
GAIGHATA
DIST - N. 24 PGS
PIN - 743273

11: DR. AMBARISH MAJUMDAR

S/O PRAFULLA MAJUMDAR

MAJHERHATI LANE
NIMTA
KOLKATA - 700049

12: DR. TARAK NATH MITRA
S/O PHANIVHUSHAN MITRA
DAKSHINAYAN
2 NO. LANE
POST - CHINSURA R.S
DIST - HOOGHLY
PIN - 712102

13: DR. SUBASH CHANDRA MITRA
S/O SUSHIL MITRA

2 NO.VIVEKANANDA COLONY
POST - PANIHATI
KOLKATA - 700114

14: DR. SOUMITRA MITRA

S/O SUSHIL MITRA

2 NO. VIVEKANANDA COLONY

POST - PANIHATI
KOLKATA

15: DR. SAMIRAN DEBNATH

S/O SANTOSH KUMAR DEBNATH

VILLAGE - NISCHANDA DESBANDHU SARANI

POST - GHOSH PARA
BALLY
HOWRAH - 711227

16: DR. SAURAV DUTTA

S/O TAPAS DUTTA

17/H/1
FAKIR PATHAN LANE
POST BALLY
HOWRAH - 711201

17: DR. SK. TAYJUDDIN

S/O ABDUL HAQUE SHEK
UDAY KREISHNA PUR

POST - HURIA
DIST - PURBA BARDHAMAN

PIN - 713424

18: DR. BARUNKUMAR DAS

S/O BHUPATI DAS

ICHAPUR
KANTHADHAR
DULEY PARA
POST - ICHAPUR NAWABGANJ
DIST- N.24 PGS.
PIN - 743144

19: DR. BIRENDRA KUMAR ROY

S/O BALA ROY

ALOKAPURI
NATAGARH MAIN ROAD
SODEPUR
POST - NATAGARH
KOLKATA

20: DR. RABINDRA KUMAR ROY

S/O BALA ROY

ALOKAPURI
NATAGARH MAIN ROAD
SODEPUR
POST - NATAGARH
KOLKATA

21: DR. SANJAY CHAKRABORTY

S/O U.S. CHAKRABORTY

46 RAMAKRISHNA LANE

POST - BELURMATH

DIST HOWRAH

22: DR. SUDIPTA HALDER(CHAKRABORTY)
D/O DILIP KR. HALDAR

59/1
HAZRAPARA LANE

POST - BALLY
DIST - HOWRAH

23: DR. PARTHA SARATHI CHAKRABORTY

S/O DHARANI CHAKRABORTY

59/1
HAZRAPARA LANE

POST - BALLY
DIST- HOWRAH

24: DR. ANUSRI SAHA(GHOSH)

D/O AVOY GHOSH

152A G.T. ROAD
MANIKTALA
SERAMPUR
HOOGHLY

25: DR. SUCHITA DEB

D/O N.S. BANERJEE

26G
GARIAHAT ROAD
KOLKATA

26: DR.ASHIM HALDER

S/O ANIL CHANDRA HALDER
GOBAR DANGA ROAD
POST - HABRA
DIST- N.24 PGS.

27: DR.TAPAN KUMAR BISWAS

S/O RAM KRISHNA BISWAS

CHHINA MORE

DIST - HOOGHLY

28: DR. BARUN KUMAR SARKAR

S/O NANDALAL SARKAR

55 BACHASPATI PARA ROAD
DAKSHINESWAR
KOLKATA

29: DR. LIPIKA SAHA

D/O HARIPADA GHOSH

54/7 G.T. ROAD
POST BELURMATH
DIST- HOWRAH

30: DR. SACHINDRA KUMAR NAYAK

S/O P.G NAYAK

F13
RABINDRA ABASAN

POST - HARIDDEVPUR
KOLKATA

31: DR. GOURANGA ACHARYA

S/O GANESH ACHARYA

RAMAKRISHNA NAGAR(SUBHASH PALLY)

POST - NATAGARH
SODEPUR

DIST - N.24 PGS.

32: DR. NOOR MAHIUDDIN RAJA

S/O ABDUL HOSSAIN

Q 280
MUDIALI ROAD
GARDENRICH
KOLKATA

33: DR. TAPAS KUMAR CHAKRABORTY

S/O RADHESHYAM CHAKRABORTY

26/1/1
KANTADANGA ROAD
FINGAPARA
N. 24 PGS.

34: DR.RANJAN ROY

S/O RABINDRA NATH ROY

31/8 RAMCHAND MUKHERJEE LANE
KOLKATA

35: DR. JAYANTA DAS

S/O KARTICK CHANDRA DAS

FARIDPUR PALLY

POST - BIRATI
KOLKATA

36: DR.PARTHA SARATHI GHOSH
S/O NETAI CHANDRA GHOSH

BELGHARIA
BADU

BARASAT
KOLKATA

37: DR. TOPESH CHATTERJEE

S/O RAMESH ADHIKARY

VILLAGE - MOHISPOTA

POST - NATAGARH
N.24 PGS. KOLKATA

38: DR. TANMOY MONDAL
S/O KALIPADA MONDAL

NISCHINDA
1225 DESHBANDHU SARANI

POST - GHOSHPARA
BALLY
HOWRAH

39: DR. KALI NATH MUKHOPADHYAY

S/O SATINDRA MUKHERJEE

WEST DURGANAGAR

JANAPATH
KOLKATA

40: DR. ALOK KUMAR BALLAV

S/O RABINDRANATH BALLAV

588C
P.K. GUHA ROAD
DUM DUM
KOLKATA

41: DR. TAPAN KUMAR MONDAL

S/O O.B.M. MONDAL

5B FAKIR HALDER LANE

POST - KALI GHAT
KOLKATA

42: DR. ANUP CHATTOPADHYAY

S/O K. CHATTOPADHYAY

71/A
BISESWAR BANERJEE LANE
HOWRAH

43: DR. SURJA BANERJEE

S/O KALI BANERJEE

432 CRIPER ROAD
KONNAGAR
HOOGHLY

44: DR. BISWANATH MODAK

S/O TARAPADA MODAK

240/C CHJANDER VILLAGE ROAD
POST - HARIDDEVPUR
KOLKATA

45: DR. TARAK MAJUMDER
S/O KIRAN MAJUMDER
2 NO.DURGA NAGAR
POST - MADERAL
DIST - N.24 PGS.

46: DR. RAMPADA SAMANTA
S/O DHARANI SAMANTA
BANKRA
DHARANI PALLY
POST - BANKRA
HOWRAH

47: DR. SAMBHU CHARAN BAG
S/O GOPAL CHANDRA BAG

STERLING HOSPITAL
55/1
BHUPEN BOSE AVENUE
6TH FLOOR
KOLAKATA

48: DR. ASHOK KUMAR MUKHOPADHYAY
S/O B. MUKHOPADHYAY
1 NO.JHILPARK
J.C. KHAN ROAD
POST - MANKUNDU
HOOGHLY

49: DR. MRINAL KANTI DAS
S/O CHITTARANJAN DAS
CHAITANYA NAGAR
KUTULSAHI ROAD

POST - BARASAT

DIST - N. 24 PGS
KOLKATA

50: DR. AMERANDRA NATH SARKAR
S/O ANIL CHANDRA SARKAR
4/74
VIJOY GARH
JADAVPUR
KOLKATA

51: DR. SOUMITRA CHAKRABORTY
S/O RAMENDRA NATH CHAKRABORTY
50A
B.B. CHATTERJEE ROAD
KOLKATA

52: DR. PURANJOY MONDAL
S/O ACHINTYA KUMAR MONDAL
43/3.WEST GHOSHPARA ROAD
BHATPARA
N.24 PGS. KOLKATA

53: DR. NITA BISWAS
S/O NIRAPADA BISWAS
VIJAY NAGAR
POST - NAIHATI
DIST - N.24 PGS.

54: DR.SYED WALI ALI
S/O SYED SAUKAT ALI

31/1 DAKSHIN BUXARAH LANE
POST D. SK.LANE
B. GARDEN
HOWRAH

55: DR. ASHOK CHAKRABORTY
S/O AJAY CHAKRABORTY

533/B
G. R. ROAD
SERAMPUR
HOOGHLY

56: DR. KALYAN KUMAR CHATTOPATHYAY
S/O UPENDRA NATH CHATTOPADHYAY
GHOSHPUR

AMTA
DIST - HOWRAH

57: DR. PANNALAL BANERJEE
S/O BIRESWAR BANERJEE
52/2
SUBHAS PALLY
BARANAGAR
KOLKATA

58: DR. MANGLA PRASAD PANDEY
S/O RAM KISHOR PANDEY
VILLAGE - LAKASHIRAMPUR
POST - ANEI
DIST- VARANASI
UP

59: DR. ASHISH KUMAR BHAUMIK
S/O . P.K BHAUMIK
15/30 LENIN SARANI
SERAMPUR
HOOGHLY

60: DR. MAHADEV KARMAKAR
S/O D. KARMAKAR
79/89
JUDGE BEGA
HARIDDEVPUR
KOLKATTA

61: DR. SUPRIYA GHOSE
S/O TARAPADA GHOSH
5
JADAV CHANDRA GHOSH LANE
BARANAGAR
KOLKATTA

62: DR. MONOJ KUMAR JANA
S/O RASAMOY JANA
AROGYANIKETAN
3/118A

AZADGARH
KOLKATA

63: DR. TARUN KUMAR DAS
S/O DINABANDHU DAS

SARAMPARA
CHENCHUA

DIST - HOOGHLY

64: DR. SUJAL PARAMANIK
S/O KRISHNADHAN PARAMANIK
RAMCHANDRA PUR
POST - DURGAPUR
HOWRAH

65: DR. SK. SAMIUDDIN
S/O SK. ISMAIL

Z-3/566
MISTRYGHAT ROAD
POST - BADARTALA
KOLKATA

66: DR. ACHINTYA KUMAR ROY

S/O BISHNU ROY

DR. B.C. ROY ROAD

POST - SHYAMNAGAR

DIST - N.24 PGS

67: DR. ABHI RAHA

S/O ANANDA RAHA

139/A
KHATIR BAZAR LANE

POST - RISHRA
DIST - HOOGHLY

68: DR. BISWAJIT PAUL

S/O BISWANATH PAUL

KODALIA
POST - BANDEL
DIST - HOOGHLY

69: DR.ASHOK BHATTACHARJEE

S/O K. BHATTACHARJEE

68/J/1/A
GANGULY BAGAN LANE
MAHESH
SERAMPORE

HOOGHLY

70: DR. MANAS KUMAR DAS

S/O DASARATHI DAS

89
B.N ROAD
UTTARPARA
HOOOGHLY

71: DR. TAPAS BANDHYOPADHYAY

S/O DULAL BANDHYOPADHYAY
MILAN PALLY(NEAR DIAMOND HOUSE) SONARPUR
KOLKATA

72: DR. PRAKASH MUKHERJEE

S/O T. K. MUKHERJEE

49/6
RABINDRA SARANI
RISHRA
HOOGHLY

73: DR. SHANTI RANJAN KONAR

S/O AJIT KONAR

VILLAGE AND POST - AGAR
DIST - PASCHIM
MIDNAPUR

74: DR. PALLAB KARMAKAR

S/O PRASANTA KARMAKAR

UTTAR PRATAP GARH

POST - NIMTA
DIST - 24 PGS

75: DR. GOPAL CHAKRABORTY

S/O AMULYA CHAKRABORTY

1/75/1.AZAD GARH

POST- REGENTPARK
KOLKATA

76: DR. AMALENDU BIKASH CHAKRABORTY

S/O N.N. CHAKRABORTY

SWARUPNAGAR 3RD BYE LANE
DANKUNI
HOOGHLY

77: DR.MD. AMANULLA LASKAR

S/O MUNSI NOOR HOSSAIN

FATEHPUR
POST - JOYNAGAR
MAJILPUR
S 24 PGS.

78: DR. JOTIRMOY CHAKRABORTY

S/O BISWAPATI CHAKRABORTY
30/22 SELIMPUR ROAD
DHAKURIA
KOLKATA

79: DR. SANJIB KUMAR PAL

S/O KALI PADA PAL

67/1(19)
K.G. SCHOOL ROAD
POST - NONACHANDAN PUKUR
KOLKATA

80: DR. PROSENJIT GHOSH

S/O PANNALAL GHOSH

BAROARITALA
JUGOBANI GALI
POST SAPUIPARA
BALLY

HOWRAH

81: DR. SWARUP JANA

S/O SUDARSON JANA

RAMAKRISHNA ROAD
CHATRA
SERAMPORE
HOOGHLY

82: DR. BIDYUT NASKAR

S/O GOUR CHANDRA NASKAR

VILL - GANNEY GANGADHARPUR
POST - VIVEKANANDAPUR
KOLKATA

83: DR. KAZI FARUK AHAMED

S/O KAZI MONSUR ALI

VILLAGE - KULIA
POST - GOLGRAM
BURDHAMAN(E)

84: DR. MANOJ BAIDYA

S/O NIMAI CHAND BAIDYA

VILLAGE - DAKSHIN RAYPUR
POST - GHERIRAYPUR
SOUTH 24 PGS.

85: DR. DEBASHIS DAS

S/O PHANI DAS

VILLAGE AND POST - RAJPUR
24 PGS. SOUTH

86: DR. ASIM KUMAR SHANNIGRAHI

S/O SUKDEB SHANNIGRAHI

SIMLAPAL GOLAPBAGAN

DIST- BANKURA

87: DR. PARIJAT SMITA BASE

S/O MRINAL KANI BASU

109/A

J.R.R. ROAD
EAST KALIANIWAS
BARRACKPORE
KOLKATA

88: DR. PINAKI RANJAN DAS

S/O BULBUL KUMAR DAS

23 LOWRENCE STREET
UTTARPARA
HOOGHLY

89: DR. KAUSHIK GHOSH
S/O DHANANJOY GHOSH

MOGRA
NUTANGRAM

HOOGHLY

90: DR. NABA KUMAR MONDAL

S/O JOGESWAR MONDAL

DASPUR
KHARMARGACHI
HOOGHLY

91: DR. SURAJIT DAS

S/O KRISHNA CHANDRA DAS

40/1 MIRPARA

P.O - BHATTANAGAR
HOWRAH

92: DR. PRODYUT KUMAR PAUL

S/O SACHINDRA NATH PAUL
4/A LANE
BABLA TOLA
KALIPARK
RAJARHAT GOPALPUR
KOLKATA

93: DR. ABINASH CHANDRA BHATTACHARYYA
S/O M.M. BHATTACHARYYA

25
N/C. SAHA ROAD
BHADRAKALI
HOOGHLY

94: DR. KAUSHICK GHOSH

S/O M. GHOSH

HATKHOLA CHALKEPARA

POST - CHANDANNAGAR
HOOGHLY

95: DR. SOMA BANDHYOPADHYAY

D/O LAXMIKANTA BANDHYOPADHYAY

86 SUKANTA NAGAR
BHADRESWAR
POST - ANGUS
HOOGHLY

96: DR. SYAMA PRASAD GHOSH

S/O SANKAR PRASAD GHOSH
13 SHANKALITALA ROAD
POST - BARISA
KOLKATA

97: DR. PRAKASH MAITRA

S/O ARUN CHANRA MAITRA

BAGULA COLLEGE PARA

UTTAR BAGULA
NADIA

98: DR. BIKASH MAITRA

S/O ARUN CHANDRA MAITRA

BAGULA COLLEGE PARA

UTTAR BAGULA
NADIA

99: DR. SANKAR CHAKRABORTY

S/O JAGADISH CHANDRA CHAKRABORTY

MAKHLA GOVT. COLONY
HOME NO.31 POST - MAKHLA
DIST - HOOGHLY

100: DR. SUBRATA NASKAR

S/O KANAI LAL NASKAR

1
CHETLA CENTRAL ROAD
KOLKATA

101: DR. PURNENDU SASMAL

S/O ATULANANDA SASMAL

42G RAJA SANTOSH ROAD
KOLAKATA

102: DR. KOLLOL BHATTACHARYA

S/O KALI RANJAN BHATTACHARYA
2/75 SREE COLONY
KOLKATA

103: DR. SABITA SARKAR

D/O N. SARKAR

VILLAGE AND POST - MASLANDAPUR
24 PGS. NORTH

104: DR. JAYANTA SARKAR

S/O CHANDI CHARAN SARKAR
16/14
NASKARPARA ROY NAGAR
BANSDRONI
KOLKATA

105: DR. KRISHNENDU DUTTA

S/O ABINASH DUTTA

KUTUB PUR NAYA GRAM ROAD
POST - MALDA

DIST - MALAD

106: DR. MD. HELALUDDIN HAIDER

S/O H.A. SATTAR

11A
ANJUMAN ROAD
KOLKATA

107: DR. RAM KRISHNA MUKHOPADHYAY

S/O D. MUKHERJEE

PRIYANKA HOUSE

8 N.K. BASU LANE
BHADRAKALI

DIST - HOOGHLY
VERSUS

THE UNION OF INDIA AND 7 ORS
THROUGH THE SECRETARY
MINISTRY OF HEALTH AND FAMILY WELAFRE
DEPT. OF ISM AND HOMOEOPATHY
1
IRCS BUILDING
RED CROSS ROAD
NEW DELHI

2:THE SECRETARY

CENTRAL COUNCIL OF HOMOEOPATHY
JAWAHARLAL NEHRU BHARATIYA CHAKITSA AVUM
HOMOEOPATHIC ANUSANDHAN
61-65 INSTITUTIONAL AREA(OPP.D BLOCK)
JANAK PURI
NEW DELHI

3:THE SECRETARY

GOVT. OF N/L
HEALTH AND FAMILY WELFARE DEPT.
HAVING ITS OFFICE AT KOHIMA
N/L

4:THE DEPUTY SECRETARY

GOVT. OF N/L
HEALTH AND FAMILY WELFARE DEPT.
HAVING ITS OFFICE AT P.O. KOHIMA
N/L

5:THE BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
N/L
P.O - KOHIMA
N/L

6:THE REGISTRAR

BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
N/L

P.O - KOHIMA
N/L

7:THE OFFICER-IN-CHARGE(HOMOEOPATHY)

DIRECTOR HEALTH SERVICES
GOVT. OF N/L
KOHIMA
N/L

8:THE STATE OF WEST BENGAL

THROUGH THE SECRETARY
HEALTH AND FAMILY WELFARE DEPT.

SWASTHYA BHAVAN
SALT LAKE
KOLKATA

Advocate for : KARYAN KUMAR CHAKRABORTY
Advocate for : appearing for THE UNION OF INDIA AND 7 ORS

Linked Case : WP(C)/5/2020

DR. GOUTAM GHOSH AND 18 ORS
S/O LT. JATINDRA NATH GHOSH
RESIDING AT KARMAR PARA
JALPAIGURI
WEST BENGAL

2: DR. PROLOY SHOME

S/O NIRAPADA SHOME
RESIDING AT AARMAR THIKANA
NEW TOWN PARA
JALPAIGURI
WEST BENGAL

3: DR. HRISHIKESH ADHIKARI

S/O LT. UPENDRA NATH ADHIKARI
RESIDING AT RAIKAT PARA
NEAR SHANI MANDIR
JALPAIGURI
WEST BENGAL

4: DR. BIJAN KUMAR SAHA

S/O LT. KRISHNA CHANDRA SAHA RESIDING AT P.O. CHANGRABANDHA
MERCHANT ROAD
COOCH BEHAR
WEST BENGAL

5: DR. RANODA DUTTA

S/O LT. NISHIKANTA DUTTA
RESIDING AT RAIKATPARA
NEAR NINE BULLET CLUB

P.O. AND DIST - JALPAIGURI
WEST BENGAL

6: DR. SUSHIL DAS ROY

S/O LT. BIREN DAS ROY
RESIDING AT VILLAGE AND POST OFFICE - DEBNAGAR
JALPAIGURI
WEST BENGAL

7: DR. RABINDRA SARKAR

S/O JOGENDRA SARKAR
RESIDING AT SURJYA SEN COLONY
DHUPGURI
JALPAIGURI
WEST BENGAL

8: DR. HIRALAL MIRDHYA

S/O LT. RABINDRA MIRDHYA
RESIDING AT VILLAGE - UTTAR JHARALTA
P.O. - LAXMIKANTA PARA
P.S. BANARHAT
JALPAIGURI
WEST BENGAL

9: DR.SAMARESH DEB

S/O GOURI SHANKAR DEB
RESIDING AT EAST NETAJI PALLY
P.O/P.S - RAIGANJ
UTTAR DINAJPUR
WEST BENGAL

10: DR. ATANU CHATTERJEE

S/O LT. BHUPATI NATH CHATTERJEE
RESIDING AT KIRANALAYA
SOUTH DESH BANDHU PARA
P.O. SILIGURI
DARJEELING
WEST BENGAL

11: DR. SUPRIYA CHATTERJEE

S/O LT. MADAN GOPAL CHRABORTY
RESIDING AT KIRANALAYA
SOUTH DESH BANDHU PARA
P.O. SILIGURI

DARJEELING
WEST BENGAL

12: DR. KALIPADA SAHA

S/O LT. SARBESHWAR SARANI
P.O. - RABINDRANAGAR
SILIGURI
DARJEELING
WEST BENGAL

13: SOURAV SEAL

S/O DR. MIHIR SEAL
RESIDING AT RISHI AROBINDO ROAD
HAKIM PARA
SILIGURI
DARJEELING
WEST BENGAL

14: DR. NABENDU CHOUDHURI

S/O B.C CHOUDHURI
RESIDING AT SUKANTA PALLY
P.O. SILIGURI BAZAR
JALPAIGURI
WEST BENGAL

15: DR. BIJAY SAMSHER RAI

S/O MUGARAJ RAI
RESIDING AT PHIGU BUILDING 1ST FLOOR
DEORALI BAZAR
HOMOEOPATHY CLINIC
P.O. TADONG
GANTOK
SIKKIM

16: DR.SADHAN KUMAR DAS

S/O JAGABANDHU DAS
RESIDING AT PURBA CHAYAN PARA
BACK SIDE OF ASHIGHAR POWER HOUSE
JALPAIGURI
WEST BENGAL

17: DR. SUDHIR KUMAR SHARMA

S/O LATE SUMANTA KUMAR SHARMA
RESIDING AT VILLAGE - BARMAN PARA
P.O. - KHARIA
JALPAIGURI
WEST BENGAL

18: TAPAN KUMAR DAS

S/O LATE GANESH CHANDRRA DAS
RESIDING AT 132
SURJYA NAGAR(NEAR SILIGURI WOMENS COLLEGE)
P.O. RABINDRA SARANI
SILIGURI
WEST BENGAL

19: DR. KEWAL KUMAR GUPTA

S/O LATE JANKI PRASAD GUPTA(SAH)
RESIDING AT CHAMPASARI
NAYABASTI
WARD NO. 46
P.O. PRADHAN NGAR
SILIGURI
DARJEELING
WEST BENGAL
VERSUS

THE UNION OF INDIA AND 7 ORS
SERVICE THROUGH THE SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPT. OF ISM AND HOMOEOPATHY
1
IRCS BUILDING
RED CROSS ROAD
NEW DELHI

2:THE SECRETARY

CENTRAL COUNCIL OF HOMOEOPATHY
JAWAHARLAL NEHRU BHARTIYA CHAKITSA AVUM
HOMOEOPATHIC ANUSANDHAN BHAWAN

61-65 INSTITUTIONAL AREA(OPP. D BLOCK)
JANAK PURI
NEW DELHI

3:THE SECRETARY

GOVT. OF NAGALAND
HEALTH AND FAMILY WELFARE DEPT.
HAVING ITS OFFICE AT KOHIMA
NAGALAND

4:THE DEPUTY SECRETARY

GOVT. OF NAGALAND
HEALTH AND FAMILY WELFARE DEPT.
HAVING ITS OFFICE AT P.O - KOHIMA
NAGALAND

5:THE BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE

NAGALAND
P.O. KOHIMA
NAGALAND

6:THE REGISTRAR

BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
NAGALAND
P.O. KOHIMA
NAGALAND

7:THE OFFICER-IN-CHARGE(HOMOEOPATHY)
DIRECTOR HEALTH SERVICES

GOVT. OF NAGALAND
KOHIMA
NAGALAND

8:THE STATE OF WEST BENGAL

SERVICE THROUGH THE SECRETARY
HEALTH AND FAMILY WELFARE DEPT.
SWASTHYA BHAWAN
SALT LAKE
KOLKATA

Advocate for : KARYAN KUMAR CHAKRABORTY
Advocate for : appearing for THE UNION OF INDIA AND 7 ORS

Linked Case : WP(C)/108/2019

GAUTAM KAR AND ANR

S/O LT. MANORANJAN KAR OF 11/H
N.N GHOSH LANE
REGENT PARK
KOLKATA

2: PRADIP BATABYAL

S/O LT. BHOLANATH BATABYAL
RESIDING AT 89
KOTRUNG DHARMATALA LANE
P.O. HINDMOTOR
HOOGHLY
VERSUS

THE UNION OF INDIA AND 7 ORS
THROUGH THE SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPT. OF ISM AND HOMOEOPATHY
1
IRCS BUILDING
RED CROSS ROAD
NEW DELHI

2:THE SECRETARY

CENTRAL COUNCIL OF HOMOEOPATHY
JAWAHARLAL NEHRU BHARTIYA CHAKITSA AVUM
HOMOEOPATHIC ANUSANDHAN BHAWAN

61-65 INSTITUTIONAL AREA(OPP.D BLOCK)
JANAK PURI
NEW DELHI

3:THE SECRETARY

GOVT. OF N/L
HEALTH AND FAMILY WELFARE DEPT. HAVING ITS OFFICE AT KOHIMA
N/L

4:THE DEPUTY SECRETARY

GOVT. OF N/L
HEALTH AND FAMILY WELFARE DEPT.
HAVING ITS OFFICE AT P.O. KOHIMA
N/L

5:BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
N/L

P.O. KOHIMA
N/L

6:THE REGISTRAR

BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
N/L
P.O. KOHIMA
N/L

7:THE OFFICER-IN-CHARGE(HOMOEOPATHTY)

DIRECTOR HEALTH SERVICES
GOVT. OF N/L
KOHIMA
N/L

8:THE STATE OF WEST BENGAL

THROUGH THE SECRETARY
HEALTH AND FAMILY WELFARE DEPT. SWASTHYA BHAVAN
SALT LAKE KOLKATA

Advocate for : KALYAN KUMAR CHAKRABORTY
Advocate for : CGSC appearing for THE UNION OF INDIA AND 7 ORS

Linked Case : WP(C)/47/2020

DR. SK. AMIN UDDIN AND ANR
S/O LT. NOOR MAHAMMAD

RESIDING AT VILLAGE - NAMAJGRAM
P.O/P.S - PANDUA
HOOGHLY
WEST BENGAL

2: DR. SUBRATA BANIK

S/O SRI SACHILAL BANIK
RESIDING AT VILLAGE RAWJAPARA
P.O/P.S - PANDUA
HOOGHLY
WEST BENGAL
VERSUS

THE UNION OF INDIA AND 7 ORS

THROUGH THE SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPT. OF ISM AND HOMOEOPATHY
1
IRCS BUILDING
RED CROSS ROAD
NEW DELHI

2:THE SECRETARY

CENTRAL COUNCIL OF HOMOEOPATHY
JAWAHARLAL NEHRU BHARATIYA CHAKITSA AVUM
HOMOEOPATHIC ANUSANDHAN BHAWAN

61-65 INSTITUTIONAL AREA(OPP. D BLOCK)
JANAK PURI
NEW DELHI

3:THE SECRETARY

GOVT. OF NAGALAND
HEALTH AND FAMILY WELFARE DEPT.
HAVING ITS OFFICE AT KOHIMA
NAGALAND

4:THE DEPUTY SECRETARY

GOVT. OF NAGALAND
HEALTH AND FAMILY WELFARE DEPT.
HAVING ITS OFFICE AT KOHIMA
NAGALAND

5:THE BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
NAGALAND
P.O - KOHIMA
NAGALAND

6:THE REGISTRAR

BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
NAGALAND
P.O - KOHIMA
NAGALAND

7:THE OFFICER-IN-CHARGE(HOMOEOPATHY)

DIRECTOR HEALTH SERVICES
GOVT. OF NAGALAND

KOHIMA
NAGALAND

8:THE STATE OF WEST BENGAL

THROUGH THE SECRETARY
HEALTH AND FAMILY WELFARE DEPT.
SWASTHYA BHAVAN
SALT LAKE
KOLKATA

Advocate for : KARYAN KUMAR CHAKRABORTY
Advocate for : CGSC appearing for THE UNION OF INDIA AND 7 ORS

Linked Case : WP(C)/226/2018

K.THIRUVENKATASAMI AND 2 ORS.
R/O 7/157
AYYAMPALAYAM
METTUPALAYAM
VELLAKOVIL(VIA)
TIRUPUR(D.T)

2: K.SAMINATHAN
R/O 34/1
SUNDARAMBAL NAGAR
VELAYUTHAMPALAYAM
KARUR TALUK
KARUR DISTRICT

3: C.SIVAKUMAR
R/O 1/1
SHANKAR NAGAR
PASUPATHIPALAYAM
KARUR TALUK
KARUR DISTRICT
VERSUS

THE REGISTRAR
BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
N/L AND ANR.
BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
N/L

C/O DIRECTOR OF HEALTH SERVICES

KOHIMA

2:THE REGISTRAR
CENTRAL COUNCIL OF HOMOEOPATHY

CENTRAL COUNCIL OF HOMOEOPATHY
JAWAHAR LAL NEHRU BHARATIYA CHIKITSA AUVUM HOMOEOPATHY
ANUUSANDHAN BHAVAN
NO.61-65
INSTITUTIONAL AREA
OPP 'D' BLOCK
JANAKPURI
NEW DELHI

Advocate for : ASHWINI KUMAR
Advocate for : A. ZHIMOMI appearing for THE REGISTRAR
BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
N/L AND ANR.

**BEFORE
HON'BLE MR. JUSTICE L.S. JAMIR**

Date : 20-09-2023

J U D G M E N T A N D O R D E R

Heard Mr. Taka Kichu, learned counsel for the petitioners in WP(C) No.152/2019 and WP(C) No.226/2019, Mr. P. Deka, learned counsel for the petitioners in WP(C) No.180/2019, Mr. Kalyan Kumar Chakraborty, learned counsel for the petitioners in WP(C) No.108/2019, WP(C) No.5/2020 and WP(C) No.47/2020. Also heard Mr. A. Zhimomi, learned counsel for the respondent No.1 and Mr. Limawapang, learned counsel for respondent No.2 in WP(C) No.226/2018, Mr. Y. P. Gupta, learned Central Government Counsel and Ms. Livika, learned Government Advocate, Nagaland.

2. All these writ petitions having common cause of action and the reliefs sought for being identical are heard and disposed of by this common judgment and order.

3. The petitioners in all the writ petitions, except the petitioners in WP(C) No.152/2019, are Class B Homeopaths who had earlier registered in Nagaland and practiced for some time. However, presently they are all settled in different places in India outside the State of Nagaland. They all are aggrieved by the public notice dated 10.08.2016 issued by the Secretary to the Government of Nagaland, Health and Family Welfare Department whereby they have been directed to come personally for verification with all required/relevant documents of qualifications and practice along with certain requirements specified in the said notice.

4. The petitioners in WP(C) No.152/2019 are the Classical Homeo Medical Practitioners Association, a Society registered under the Societies Registration Act, 1860 and espouses the cause of its members to regulate the registration and licenses of its members and to forward the same to the Central Council of Homeopathy (CCH in short) and also for a declaration with regard to the validity of their registration.

5. The public notice dated 10.08.2016, which is assailed in the writ petitions is reproduced here-in-below:-

“GOVERNMENT OF NAGALAND

HEALTH & FAMILY WELFARE DEPARTMENT

NO.HFW-22/B-5/BHSM/2011 Dated Kohima the 10th Aug,2016

PUBLIC NOTICE

The Nagaland Government in consonance with Section 24 of the Nagaland Homeopathic Medicine Act, 1996 (Act IV of 1997) which confers the exercise of powers to the State Government to make rules from time to time consistent with the Act invites for Renewal of Class B Homeopaths registered in the Board of Homeopathic System of Medicine, Nagaland within three months starting from August 2016. They are to come personally for verification with all required/relevant documents of qualification and practice. Section 10 Clause (i) of the Nagaland Homeopathic Medicine Act, 1996 (Act No.4 of 1997) states that the registered homeopaths shall receive licenses to practice homeopathy in the State of Nagaland provided the Class B practitioner qualifies the following:-

- (a) Those who are presently practicing homeopathy in Nagaland.*
- (b) Those who were residing in Nagaland during the time of their registration by providing the following original documents as proof of their residency in the State.*
- (c) Permanent Residence Certificate issued by the respective district administrative authority of the Government of Nagaland.*
- (d) Address proof of their clinic/place of practice by the Colony/locality Gaonbura or local authority.*
- (e) Trade license from the local authority.*

Further, all the practitioners have to bring a Character Certificate duly signed by a First Class Magistrate (in prescribed format). All the candidates will be put through an eligibility/efficiency test before renewal is considered.

Sd/- (DR. MAONGWATI AIER), IAS

Secretary to the Government of Nagaland"

6. Mr. Taka Kichu, learned counsel for the petitioners in WP(C) No.226/2018, submits that the petitioners had obtained Class B licence from the Board of Homeopathic System of Medicine, Nagaland in the year

1988 by succeeding in the eligibility/efficiency test conducted by the Board as required under Clause 9(iii) under the *Nagaland Homeopathic Medicine Act, 1996* (the State Act of 1996 in short). The licences were, thereafter, renewed till 2008. Thereafter, the petitioners were constrained to migrate to Tamilnadu in the year 2007 and the fact of migration was intimated to the respondent-Board in the year 2008. As the petitioners are Class-B registered homeopathic practitioners and since they have been in active practice since 1998, the impugned notice dated 10.08.2016 which sought for documents, which are already available in their records is, therefore, not tenable in law.

The requirement of re-verification of records in terms of the public notice dated 10.08.2016 after issuance of the certificate of registration in the year 1998 is, therefore, not reasonable and in violation of natural justice. The conditions imposed in the public notice dated 10.08.2016 do not apply to the petitioners inasmuch as they are no longer practicing in the State of Nagaland and as their names had already been entered into the Central List, the petitioners shall have all the rights to practice in any other State in India provided permission is granted by the concerned State in which the petitioners desire to practice. If the petitioners are not allowed to carry on medical practice as Homeopathic practitioners, they will have no other source of income, which would highly prejudice them and suffer irreparable loss and injury.

8. Mr. P. Deka, learned counsel for the petitioners in WP(C)

No.180/2019, also submits that the petitioners after being registered in Nagaland practiced for some time, however, as there was a misunderstanding between the State Government and the Board, renewal was stopped from the year 2013 and, therefore, the petitioners had to leave the State of Nagaland.

9. It is also submitted that the impugned public notice dated 10.08.2016 mandates for production of residence proof and also practice proof. However, the petitioners cannot produce residence proof as they are barred under Section 2 of the *Nagaland Land and Revenue Regulations* to own any land. The petitioners had passed the examination and after satisfying the pre-requisite conditions obtained certificates of Homeopathy under Class B in terms of Section 9 of the State Act of 1996 in the year 1998. After getting the said certificates, they started their profession as Homeopathic doctors in the State of Nagaland and they got their licences renewed annually or after every five years till the year 2012. However, in the year 2013, when the petitioners approached the Board of Homeopathic System of Medicines, Nagaland for renewal of their provisional licences, they were informed that due to some internal disputes between the Board and the Government of Nagaland and also the CCH, the further process of renewal has been kept in abeyance and under such conditions, they had no other alternative but to leave Nagaland. It was, thereafter, that they came to learn about the impugned notice dated 10.08.2016 whereby a residential certificate issued by the

respective district authority needs to be submitted and the address of the petitioners and their clinic in Nagaland were required to be submitted.

A perusal of the notice dated 10.08.2016 reveals that it was a public notice under Section 24 of the Act of 1996. A bare perusal of Section 24 of the Act of 1996 would reveal that the Act empowers the State Government to make Rules and, as such, there are vast differences between a public notice and the Rules framed under the State Act of 1996. As Section 2 of the Nagaland Land Revenue Regulations restricts persons from outside the State of Nagaland from buying land in the State and as the petitioners are from Kolkata, they cannot produce such land certificate. The bar being created by the statute and, therefore, the public notice dated 10.08.2016 is *ultra vires* to the Nagaland Land and Revenue Regulations. He also submits that the public notice dated 10.08.2016 is also *ultra vires* to Section 15 of the *Homeopathy Central Council Act, 1973* (the Central Act of 1973 in short), which provides that those Homeopathic doctors, who are possessing requisite qualifications shall be allowed to practice Homeopathy in any State in India. However, as the public notice dated 10.08.2016 creates a bar to practice in the State of Nagaland for those physicians who are not permanent residents of Nagaland, the public notice is not in consonance with the letter and spirit of Sub-Section (2) (b) of Section 15 of the Central Act of 1973. Under the circumstances, the public notice dated 10.08.2016 deserves to be set aside and quashed.

10. Mr. Kalyan Kumar Chakraborty, learned counsel for the petitioners in WP(C) No.108/2019, WP(C) No.5/2020 and WP(C) No.47/2020, while endorsing the submissions made by Mr. P. Deka, learned counsel for the petitioners in WP(C) No.180/2019, further submits that the public notice dated 10.08.2016 is hit by Article 19(1)(g) of the Constitution of India, which provides that all citizens shall have the right to practice any profession or carry on any occupation, trade or business. He, therefore, submits that the public notice dated 10.08.2016 should be set aside.

11. Mr. A. Zhimomi, learned counsel for the respondent No.1 in WP(C) No.226/2018, on the other hand, submits that after enactment of the State Act of 1996, the Board of Homeopathic System of Medicines was constituted by the State, which was headed by the then Director of Health Services as the *ex officio* Chairman along with others. The Board held its first meeting on 08.11.1997 and decided that the grant of registration to the practitioners would commence with effect from 11.11.1997. He submits that in the State of Nagaland, there are few practitioners, who are eligible for registration as Class B Homeopaths, however, as per the available records with the Board, there are as many as 4232 practitioners who have been registered as Class B Homeopaths. At the relevant point of time, the affairs of the Board was left in the charge of the then Registrar/Secretary and he began working independently without reference to the Board or any of its Members,

which fact came to light when the Board started receiving letters from the CCH. The letters, *inter alia*, reveals that a large number of Class B Homeopaths are registered in the State of Nagaland. The CCH vide its letter dated 04.03.2011 also wrote to the concerned department in the Central Government requesting intervention with regard to registration of Homeopaths by the State. Responding to the letter dated 04.03.2011, the Central Government, through the Ministry of Health and Family Welfare wrote to the Principal Secretary (Health), Government of Nagaland requesting to verify the grant of registration to the Homeopaths and to supply State register to the CCH. On receipt of the letters, a meeting was constituted for re-constituting the Board and, accordingly, by a Notification dated 12.12.2013, the Government of Nagaland constituted the Board of Homeopathic System of Medicines, Nagaland. The Board held its meeting on 30.04.2014 wherein it was decided that all registered and un-registered Homeopaths would have to apply for registration/renewal and the process shall be initiated upon the appointment of Registrar of the Board by the Government. A sub-committee was also constituted to scrutinize reports pertaining to Homeopaths. Accordingly, by letter dated 13.05.2014, the former Registrar/Member Secretary was requested to produce the records pertaining to registration of Homeopaths as well as other documents on or before 21.05.2015. However, such records were not made available despite repeated requests.

In the meantime, the CCH also addressed letters to the Government of Nagaland for visiting the State with regard to the State Register of Homeopathy. Accordingly, a team from the Central Council of Homeopathy arrived in the State and held a meeting with the Department of Health and Family Welfare on 30.07.2015 wherein it was decided that the Board would streamline the registration of Class B Homeopaths. It was found that a large number of applications requesting registration as Class B Homeopaths were received after 1999. However, Class B registration certificates were issued with dates that were within the period from April, 1997 to 1999. The applications of the writ petitioners in WP(C) No.226/2018 are also included amongst the said group.

12. It is also submitted that from the records that were received from the office of the Board, more particularly, with regard to registration of Class B Homeopaths, the then Registrar awarded a certificate of registration under his signature to as many as 4232 applicants and surprisingly, 3294 applicants were awarded certificates on 11.02.1998 amongst which names of the petitioners in WP(C) No.226/2018 were also included. It is, therefore, submitted that the Board has also been instructed by the Central Government as well as the CCH to undertake an exercise of verification of registration of Homeopaths and, therefore, unless the names listed in the Register are approved by the CCH, the question of inclusion in the Central Register does not arise. Under such

circumstances, a *bona fide* exercise to verify registration/renewal of Homeopaths is being initiated through the public notice dated 10.08.2016 and, therefore, the same does not infringe any right of the petitioners. He, therefore, submits that there is no infirmity in the public notice dated 10.08.2016 and, accordingly, the writ petitions deserve to be dismissed.

13. Mr. Limawapang, appearing for the respondent No.3 in WP(C) No.226/2019 and Ms. Livika, learned Government Advocate, Nagaland for the respondents in the other writ petitions and Mr. Y.P. Gupta, learned CGC endorses the submissions made by Mr. A. Zhimomi, learned counsel for respondent No.1 in WP(C) No.226/2019 and further submits that the exercise being carried out by the Government of Nagaland through public notice dated 10.08.2016 is *bona fide* in nature and in the interest of the health of the citizens and, therefore, no interference is required in the public notice dated 10.08.2016.

14. I have considered the submissions made by learned counsel for the parties.

15. Section 10(a) of the State Act of 1996 reads as under:-

“10. a) If it appears to the Board that a person is qualify to have his name entered in the Register as a Class 'A' "REGISTERED HOMOEOPATH" his name shall be entered on payment of a sum of Rs. 100/- (Rupees One Hundred) only as first annual fees; and if he is qualified to have his name entered in the Register as a Class 'B' "REGISTERED HOMOEOPATH" his name shall be so entered on payment

of Rs.100/- (Rupees One Hundred) only as first annual fees. On payment of the first annual fees the "REGISTERED HOMOEOPATH" shall receive licences to practice homoeopathy in the State of Nagaland."

16. Section 13(1) of the State Act of 1996 also reads as under:-

"13. 1) No person other than association or institution recognised or authoised by the Board under this Act shall confer, grant or issue any degree, licence, certificate or other document stating that the holder, guarantee or recipient is qualified to practice the Homoeopathic System of Medicine."

17. Section 15 of the Central Act of 1973 reads as under:-

"15. Rights of persons possessing qualifications included in Second or the Third Schedule to be enrolled.—(1) Subject to the other provisions contained in this Act, any medical qualification included in the Second or the Third Schedule shall be sufficient qualification for enrolment on any State Register of Homoeopathy. (2) No person, other than a practitioner of Homoeopathy who possesses a recognised medical qualification and is enrolled on a State Register or the Central Register of Homoeopathy,— ` 11 (a) shall hold office as Homoeopathic physician or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority; (b) shall practise Homoeopathy in any State....."

18. Section 23 of the Central Act of 1973 reads as under:-

"23. Registration in the Central Register of Homoeopathy.—The Registrar of the Central Council may on receipt of the report of registration of a person in a State Register of Homoeopathy or on application made in the prescribed manner by any person, enter his name in the Central Register of Homoeopathy, provided that the Registrar is satisfied that the person concerned is eligible under this Act for such registration."

19. Section 26(2) of the Central Act of 1973 reads as under:-

“26. Privileges of persons who are enrolled on the Central Register of Homoeopathy.—

*** *** *** ***

(2) Subject to the provisions of sub-section (3) of section 15, any person whose name is for the time being borne on Part II of the Central Register of Homoeopathy, may practise Homoeopathy in any State, other than the State where he is enrolled on the State Register of Homoeopathy, with the previous approval of the Government of the State where he intends to practise.”

20. The Government of Nagaland enacted the State Act of 1996 and under Section 9, the Homeopaths are divided into two classes, namely, Class A and Class B. Class A deals with registered Medical practitioners under any statutory Act of Parliament or Legislature of any State in the country practicing exclusively Homeopathy and Class B deals with Homeopaths who have been engaged in the practice of Homeopathic System of Medicine as the principal occupation for a period of not less than five years immediately before the date of coming into force of the State Act of 1996 and the Homeopaths are required to be registered under the State Board under Sections 9 and 10 of the State Act of 1996 and with regard to Class B Homeopaths, it is provided that such Homeopaths shall have his name registered on payment of a sum of Rs.100/- only as annual fee and pass an examination to be conducted by the Board within two years of the passing of the Act.

21. The exercise of inclusion of Class B Homeopaths were undertaken

so as to satisfy the terms and conditions of Sections 9 and 10 of the State Act of 1996. Once Class B Homeopaths are registered, their names are to be referred and engrafted to the Central Register as defined in the Central Act of 1973. In terms of Section 15(2)(b) read with Section 26 of the Central Act of 1973, the registered Homeopaths could practice anywhere in the country. However, such Homeopaths must take prior approval from the Government of the State where he intends to practice.

22. A perusal of Section 10(a) of the State Act of 1996 which has been reproduced here-in-above provides that any Class B Homeopaths shall receive licence to practice Homeopathy in the State of Nagaland.

23. Further, a conjoint reading of the relevant provisions of the State Act of 1996 and the Central Act 1973 provides that once a Class B Homeopaths is registered in the State of Nagaland, such names shall be forwarded to the CCH. Thereafter, Registrar of Central Council on receipt of the report of registration of a person in the State Register of Homeopathy enters his name in the Central Register of Homeopathy provided that the Registrar is satisfied that the person concerned is eligible under the Central Act of 1973 for such registration. Once the name of such persons are enrolled in the Central Register of Homeopathy, such registered Homeopaths may practice Homeopathy in any State other than the State which he is enrolled on the State Register of Homeopathy,

however, with the previous approval of the Government of the State where he intends to practice.

24. In the present case, it is seen that all the petitioners were registered by the then Registrar of the Board of Homeopathic System of Medicines, Nagaland. However, despite their registration, when the matter was forwarded before the CCH, some discrepancies were noticed and, accordingly, the CCH by communications had directed the State Board to rectify such discrepancies. The matter was also brought to the notice of the concerned department in the Central Government. Thereafter, after seeing the discrepancies committed by the earlier Board, steps were taken to rectify such discrepancies by constituting a fresh Board. Accordingly, to rectify the discrepancies, the public notice dated 10.08.2016 was issued.

25. It is pertinent to note at this stage that none of the Class B Homeopaths, whose names were registered by the earlier Board in the State, have been registered under the CCH as on date.

26. A perusal of the impugned notice dated 10.08.2016, which has been already reproduced here-in-above would clearly indicate that invitation was given for renewal of Class B Homeopaths registered in the Board of Homeopathic System of Medicines, Nagaland within three months starting from August, 2016. It is also provided that such Class B Homeopaths are to come personally for verification with all

required/relevant documents of qualification and practice as prescribed in the public notice dated 10.08.2016.

27. A further perusal of the public notice dated 10.08.2016 would indicate that the petitioners are directed to appear personally for verification with all required/relevant documents of qualification and practice. Therefore, in the considered opinion of this Court, if the petitioners have any difficulties in complying with the qualifications prescribed under the public notice dated 10.08.2016 and as they have been asked to come personally, they will be in a position to explain before the Board the difficulties that are being faced by them for supplying all the documents as required under the public notice dated 10.08.2016. Therefore, in the considered opinion of this Court, as none of the petitioners have been registered under the CCH till date, they have an obligation to appear before the Board as required by the public notice dated 10.08.2016.

28. The submission of Mr. P. Deka, learned counsel for the petitioners in WP(C) No.180/2018 with regard to Section 2 of the *Nagaland Land and Revenue Regulations* has been considered. However, as the steps taken by the respondents through public notice dated 10.08.2016 is in terms of the Act of 1996, this Court rejects the submission made by the learned counsel for the petitioners.

29. The submission of Mr. Kalyan Kumar Chakraborty for the petitioners

in the other writ petitions that the public notice dated 10.08.2016 is hit by Article 19(1)(g) has also been considered. However, as the right to practice Homeopathy is governed by the Central Act of 1997 as well as the State Act of 1996, I find that the submission holds no water.

30. In view of the discussions made here-in-above, I find no reason to interfere with the public notice dated 10.08.2016 and, accordingly, all the writ petitions are dismissed. However, there shall be no order as to costs.

**Sd/-
JUDGE**

Comparing Assistant