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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6787/2017

DR. ZAIL SINGH RAJPUT & ANR.

..... Petitioners

Through: Mr Baldev Malik with Mr Arjun
Malik, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Gigi C. George, Advocate for R-1
& 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.08.2017

CM No.28269/2017

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6787/2017 & CM No. CM No.28268/2017

3. The petitioners have filed the present petition, *inter alia*,
praying as under:-

- “(i) That a writ in the nature of Mandamus directing the Respondent No. 1 and 2 to include the names of Petitioners in the Register maintained by them for Registered Homeopathic Practitioners.
- (ii) Quashing the Letter dated 08/05/2017 of the Government of Nagaland, Directorate of Health and Family Welfare to the Petitioner No. 1 and

2 vide No. DHFW-18/Homoeo Board/2013-14/200 and hold it as null and void ab-initio.

- (iii) Quashing the Public Notice dated 10/08/2016 of the Government of Nagaland, Health and Family Welfare Department vide No. HFW-22/B-5/BHSM/2011 and hold it as null and void ab-initio.”

4. It is the petitioners’ case that they were practising as homeopaths at Kohima, Nagaland prior to 2002. They shifted to Jalandhar, Punjab in the year 2002 and it is claimed that the petitioners have been practising as homeopaths in Jalandhar. Admittedly, the petitioners did not take any steps to have their name put on the register maintained by the "Council of Homeopathic System of Medicine, Punjab.

5. In the meanwhile, on 10.08.2016, the Government of Nagaland, Department of Health and Family Welfare issued a notification inviting renewal of Class B Homeopaths Registered with the Board of Homeopathic System of Medicine, Nagaland within three months from August 2016. The procedure for renewal, *inter alia*, entailed the personal verification of the relevant documents of qualification and practice. Admittedly, the petitioners have been unable to comply with the conditions indicated in the said notification and accordingly, their names have been struck off from the Register maintained by the State authorities in Nagaland.

6. The petitioners’ request for their name to be included in the register maintained by respondent no.2 (Central Council of Homeopathy) has also not been acceded to, since the petitioners’ name is required to be included in the register maintained by the State Authorities.

7. Insofar as the petitioners' prayer that the notice issued by the Government of Nagaland be quashed is concerned, this Court is not inclined to entertain the same and the petitioners would be at liberty to approach the concerned Court having territorial jurisdiction over the State of Nagaland for any grievance with regard to the said notice.

8. Insofar as the prayer for directing respondent nos.1 & 2 to include the name of the petitioners in the register maintained by them is concerned, concededly, the same cannot be done unless the petitioners are put on the register of any State Authority. In these circumstances, no direction can be issued to respondent nos.1 & 2 to include the name of the petitioners on their register.

9. It will be open for the petitioners to apply to the relevant authority in Punjab for inclusion of their name on the register maintained by the authorities in that State by providing the necessary evidence as to their qualification and meeting the relevant criteria for practising as homeopath.

10. Needless to mention that if the petitioners' name is brought on the register of the concerned State Authorities, respondent nos.1 & 2 shall do the needful to include the names of the petitioners on their register.

11. The petition and the application are disposed of with the aforesaid observations.

VIBHU BAKHRU, J

AUGUST 09, 2017
MK