

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO.6422 OF 2020

PINTUKUMAR AMAL SARKAR
VERSUS
THE UNION OF INDIA AND OTHERS

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Advocate for Petitioner : Mr. Joslyn Anthony Menezes.

ASGI for Respondent No.1 : Mr. A. G. Talhar.

AGP for Respondents-State : Mr. S. R. Yadav-Lonikar.

Advocate for Respondent Nos.4 to 6 : Mr. M. S. Taur.

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CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.

DATE : 22.07.2021

PER COURT :-

1. We have heard the learned advocates for the petitioner and respondent Nos.4 to 6. The learned AGP has addressed us on behalf of respondent Nos.2 and 3.

2. After considering the submissions of the learned counsel and having perused the petition paper book and having gone through the judgment delivered by the learned Division Bench of this Court in the matter of *Nageshwar Basantram Dubey Vs. Union of India and others* along with group of petitions, *2007 (3) Mh.L.J. 275*, the grievance of the petitioner is narrowed

down only to the extent as to whether he could use the prefix 'Dr.' and whether he could prescribe medicines or inject saline or practice Homeopathy.

3. The learned advocate for the petitioner submits, on instructions, that the petitioner would tender a specific undertaking sworn before an Oath Administering Officer, on or before 05.08.2021 stating therein as under :

- (a) He will not use the prefix 'Dr.'
- (b) He would not practice Homeopathy.
- (c) He would practice only Naturopathy and Homeo Electropathy.
- (d) He would not issue prescription for prescribing medicines of any nature whatsoever, which would fall within the realm of Allopathy or Homeopathy or any such profession by which a practitioner could prescribe allopathic or equivalent medicines.
- (e) He would prescribe only herbs covered by Naturopathy and by Homeo Electropathy.

- (f) He would not do any act which would be impermissible in view of the judgment delivered by this Court in the case of *Nageshwar Basantram Dubey (supra)*.

4. In view of the above, this petition is partly allowed as under :

- (i) The impugned notices dated 05.09.2019 and 17.01.2020 stand quashed and set aside.
- (ii) The petitioner would perform only those acts which are enlisted herein above and are permitted in view of the judgment of this Court in the matter of *Nageshwar Basantram Dubey (supra)*.
- (iii) He will abide by all the contents of the undertaking that he would tender in this Court on or before 05.08.2021, in light of paragraph 2 herein above.
- (iv) If he is apprehended of performing any act which is prohibited in view of this order, he

would thereafter refrain from practicing in Naturopathy and Homeo Electropathy, in future.

- (v) He would not display the '+' sign on the name board of his clinic where he would practice Naturopathy and Homeo Electropathy.
- (vi) He would also not display any specific logo as may be prescribed by the M.C.I. for its registered practitioners.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-