



CWP-22753- 2024 - 1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-22753- 2024 (O&M)
Date of decision : 04.10.2024

Bhai Kanhaiya Sewa Society through its Secretary

.....Petitioner

vs.

Union of India and others

.....Respondents

**CORAM:HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. J.S. Mehndiratta, Advocate with
Mr. Gaurav Datta, Advocate and
Mr. Amish Sharma, Advocate for the petitioner.

Ms. Promila Nain, Senior Panel Counsel with
Ms. Harveen Mehta, Advocate for UOI

Mr. Angel Sharma, Advocate for respondents No. 2 and 3

Mr. R. Kartikaye, Advocate for the University.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

1. Challenge in this petition is to the order dated 02.09.2024 (Annexure P-6), by which the Ist Appeal of the petitioner under Section 24 of the National Commission for Homeopathy Act, 2020, has been dismissed.

2. Pertinently, the said appeal was filed against the order dated 09.08.2024 (Annexure P-4), by which the petitioner-College had been



denied permission for running Under-Graduate (BHMS) Course with 60 seats intake for academic year 2024-2025.

3. Serious allegations, against members of the visiting team of the Medical Assessment and Rating Board of Homoeopathy, National Commission for Homoeopathy, have been made, including that of offering and acceptance of bribe, by the petitioner.

4. It is further informed by learned counsel for the petitioner that the 2nd Appeal has been filed in terms of Rule 14(3) of the National Commission for Homeopathy (Assessment and Rating of Medical Institutions) Regulations, 2024, on 09.09.2024, which fact has not been denied by the learned counsel for Central Government. However, it has been informed that the 2nd Appeal has been filed after the expiry of period of limitation.

5. Since disputed questions of fact and serious allegations have been made by the petitioner, it was incumbent upon the Commission to have afforded due and sufficient opportunity of being heard to the petitioner, including a personal hearing, which was not afforded.

6. It is expected of this court that in the 2nd Appeal, that the Central Government would afford due opportunity, including that of personal hearing to the petitioner.

7. Looking to the facts and circumstances of the case, this Court deems it appropriate that the appeal be considered on merits without being dismissed on limitation alone, after granting personal hearing to the representative of the petitioner. The said 2nd Appeal be decided latest by 21st



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of October, 2024, by passing a speaking order and communicating the same to the petitioner.

8. Counselling result, in terms of the interim order passed by the Court on 27.09.2024, has been produced today in a sealed cover by counsel for the University (not impleaded as a party). Thus this Court directs that the said sealed cover be retained by counsel for the University and the opening of the same shall be subject to the final decision of s 2nd Appeal.

9. Without commenting on the merits of the case, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

04.10.2024
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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No