

ML 96
22.09.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 8636 of 2025

**The Central Council for Bio-Chemic and
Complex Homoeo Medicine with Research in
India & Anr.
-versus
Union of India & Ors.**

**Mr. Sayan Sinha,
Mr. Kausheyo Roy.
...For the Petitioners.**

**Ms. Rashmi Bothra.
...For UOI.**

**Debapriya Gupta
...For the respondent no. 3.**

1. The order dated 25th February, 2025 passed by the Under Secretary to the Government of India, Ministry of Ayush refusing to recognize the bio-chemic system of medicine and a separate system of medicine is impugned in the instant writ petition.

2. It has been submitted that the Court vide order dated 11th February, 2024 was pleased to pass an order by granting liberty to the petitioners to make a comprehensive representation before the Secretary, Ministry of Ayush in support of their claim.

3. The representation, if made, was directed to be considered by the Secretary, Ministry of Ayush by passing a reasoned order after giving reasonable opportunity of hearing to the petitioners or their authorized representative.

4. Submission of the petitioners is that the impugned order had been passed without providing any

opportunity of hearing. Violation of the Court's order has been pleaded.

5. Learned advocate appearing on behalf of the National Commission for Homeopathy submits that the Medical Assessment and Rating Board for Homoeopathy functioning under the National Commission for Homoeopathy is the competent authority to decide the issue.

6. Learned advocate representing UOI submits that the Board is the competent authority to take a decision in the matter.

7. In view of the above, the instant writ petition is disposed of by directing the National Commission for Homeopathy to forward the representation of the petitioners before the Medical Assessment and Rating Board for Homoeopathy for taking a decision in the matter after giving reasonable opportunity of hearing to the petitioners by passing a reasoned order at the earliest but positively within a period of twelve weeks from the date of communication of this order.

8. The order shall be communicated to the petitioners immediately thereafter.

9. The petitioners shall be permitted to rely upon all documents in support of their claim.

10. The impugned order dated 25th February, 2025 stands set aside.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)