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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8330 OF 2025

Dr. Laxmikant Bhanudas Waghmare
Age: 43 years, Occu.: Medical Profession,
R/o. Chobli Road, Indira Nagar,
Shirur Tajband, Tq. Shirur Tajband,
District : Latur.

... Petitioner

Versus

1. The Secretary of Ministry of Ayush,
Government of India, New Delhi.
2. The Medical Education and Drugs
Department, Maharashtra,
Mantralaya, Mumbai – 32.
3. The Registrar of the Maharashtra
University, Health Sciences (MUHS),
Nashik.
4. The Principal Secretary,
Public Health Department,
10th Floor, GT Hospital Compound,
Mumbai-01.
5. The Directorate of Ayush
Maharashtra State, Mumbai
4th Floor, Government Dental College &
Hospital Building, St. George Compound,
D'mello Road, Mumbai 400 001.
6. The Chief Executive Officer,
Zilla Parishad, Latur.
7. The District Health Officer,
Zilla Parishad, Latur.

... Respondents

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Mr. V.G. Salgare, Advocate for Petitioner
Mr. Krushna Salunke, Central Government Counsel for Respondent No.1
Mr. R.B. Dhaware, AGP for Respondent No.4 – State

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**CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATED : 17 NOVEMBER, 2025

ORDER [Per Hiten S. Venegavkar, J.] :-

1. The petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking series of reliefs in the nature of directions. The principal relief claimed is the issuance of a writ of mandamus to the Union of India to grant assent to the Act enacted by the Maharashtra Legislature in the year 2016, which, according to the petitioner, is pending consideration. In addition, the petitioner seeks a direction to respondents Nos. 2 and 7 to pay compensation quantified at Rs.57,94,542/-, on the allegation that his naturopathy, yoga, and acupuncture practice was illegally closed by the authorities in the year 2017. The petitioner further seeks a direction to respondents No. 6 and 7 to grant him a suitable appointment under the Zilla Parishad, Latur, based on his qualifications.

2. The petitioner states that he possesses several qualifications, including a Diploma in Naturopathy, a certificate from the alternative Medical Council, Kolkata, a Diploma in Community Medical Service and Essential Drugs, a Yoga-Shikshak certificate, and qualifications relating to acupuncture. He claims registration with the Maharashtra Council of

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Indian Medicine as well as Maharashtra Council of Acupuncture. According to him, he has been practicing naturopathy, yoga and acupuncture since 1998 and has been treating villagers and patients in rural areas.

3. The grievance of the petitioner arises from the fact that in October 2017, the District Health Officer Latur forwarded his application seeking a recommendation for granting registration to practice naturopathy. Respondent No.6 informed the petitioner that guidance had been sought from the medical education, and drugs department and until such guidance was received, the petitioner was restrained from practicing naturopathy. The petitioner made several representations thereafter. On 04.01.2019, the Director of Ayush, Maharashtra informed the Director of Health Services that under the Maharashtra Medical Practitioners Act 1961, the petitioner was not eligible for registration as a medical practitioner. However, it was clarified that there was no prohibition on practicing naturopathy. The petitioner alleges that between 2017 and the issuance of the above clarification, the practice was illegally shut down, causing the petitioner an irreparable financial loss and injury to his reputation. He demands compensation running into several lakhs of rupees, asserting that he had built his practice over decades and lost patience and goodwill owing to the actions of the authorities. He contends that because of the

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wrongful conduct of the respondents, it has now become difficult for him to revive his practice.

4. The petitioner further submits that the Maharashtra legislature has enacted the Acupuncture System of Therapy Act 2015 and although the act has been passed, it awaits presidential assent. According to him, the absence of such assent deprives practitioners of acupuncture of statutory protection. He, therefore, seeks a direction to the Central Government to accord assent to the legislation. Alternatively, he seeks a direction to the authorities to provide him employment in the Zilla Parishad on the basis of his educational qualifications.

5. We have heard the learned Counsel appearing for the Union of India. He submitted that the petition, in substance, seeks award of compensation for alleged loss of business. He contended that a writ petition under Article 226 is not an appropriate remedy for claiming damages of this nature, as adjudication of such claims requires leading of evidence. He submitted that the temporary restraint imposed on the petitioner was part of a process undertaken by the authorities to verify whether the petitioner was legally authorized to provide treatment and whether the use of the prefix “Dr.” by him was permissible. Once clarification was obtained from the competent authority, the restraint was withdrawn and the petitioner has been permitted to practice

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naturopathy to the extent of his qualifications. It was therefore submitted that the action of the authorities cannot be termed arbitrary or *mala fide*.

6. We have carefully considered the rival submissions and examined the documents annexed to the petition. The petitioner's grievance stems from the temporary ban imposed on his activities while the authorities sought clarification from the Medical Education and Drugs Department. The record indicates that once the Directorate of Ayush clarified that naturopathy practice did not require registration under the Maharashtra Medical Practitioners Act 1961, the restraint was withdrawn. The petitioner has not brought on record any material to show that the actions of the authorities were actuated by malice or were in disregard of statutory provisions.

7. The petitioner admittedly treats patients and deals with matters concerning human health. When an authority tasked with regulatory oversight receives information regarding a person practicing alternative medical systems, an inquiry into whether the practitioner holds the requisite qualification or authority cannot be said to be unwarranted. The limited intervention made by the authorities was in furtherance of interest. The temporary restraint was a measure adopted to ensure that the petitioner's activities were within the bounds of law. The moment

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clarification was received, the restraint ceased. In such circumstances, the claim that the action was arbitrary or illegal cannot be accepted.

8. Once the actions of the authorities are found to be *bona fide* and taken in public interest, the claim for compensation necessarily fails. Even assuming that the petitioner suffered financial loss during the period of restraint, such loss, if at all compensable, would require evidence regarding the nature of the business, the alleged income, and the actual loss suffered. These are matters that cannot be adjudicated in the writ jurisdiction. A petition under Article 226 is not a substitute for a civil suit for claiming damages, nor can this Court embark upon a fact-finding exercise involving evidentiary evaluation.

9. The relief sought regarding grant of presidential assent to the Maharashtra Yoga and Naturopathy Act 2016 is completely misconceived. Whether assent should be granted to a legislation is a matter falling within the constitutional domain of the executive acting under Article 201 of the Constitution. The High Court, in exercise of its writ jurisdiction, cannot issue a direction to grant or expedite such assent. No mandamus can lie to compel the Hon'ble President or the Union Government to accord assent to a State legislation.

10. The further relief sought for directing the authorities to offer the petitioner employment in the Zilla Parishad is also misconceived. Appointment to public posts must be made in accordance with recruitment rules and established procedures. A direction to appoint the petitioner merely on the basis of his qualifications, without any reference to a sanctioned post or a recruitment process cannot be issued by this Court.

11. The petition, therefore, is devoid of merits. The actions of the authorities have neither violated the petitioner's fundamental rights nor can they be termed arbitrary or unreasonable. The petitioner has failed to demonstrate any legal basis for claiming compensation or for issuance of the directions sought.

12. For the foregoing reasons, the writ petition stands dismissed. There shall be no order as to cost.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE