

10.06.2026

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MAT 946 of 2026

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IA No.: CAN 1 of 2026

Indira Banerjee & Others

- Versus -

The Union of India & Others

Mr. Samiran Mandal,
Mr. Mrinal Kanti Sardar,
Mr. Abhinaba Dan,
Mr. A. Mandal

... for the Appellants.

Mr. A. Chakarborty,
Ms. Debjani Ghosal

... for the UoI.

Mr. Debapriya Gupta,
Mr. Mani Shankar Sengupta

... for the National Commission
for Homoeopathy.

Mr. A. Santra

... for the WBUHS/
Respondent nos.7, 8 & 9.

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 26th May, 2026 passed by the learned single Judge in a writ petition, being WPA 10156 of 2026. The said writ petition was preferred by the writ petitioners/appellants herein primarily praying for issuance of necessary direction upon the respondents *‘to allow the petitioners to sit for the BHMS Part – I (Supplementary) examination and grant them registration without any hazard for the session 2023-24’*. Upon contested hearing the learned single Judge was of the opinion that the writ petition needs to be heard upon exchange of

affidavits and accordingly passed directions towards exchange of affidavits. However, no interim order was passed to allow the appellants to participate in the BHMS Part – I (supplementary) examination.

Mr. Mandal, learned advocate appearing for the appellants argues that the National Commission for Homoeopathy (hereinafter referred to as the said Commission) did not conduct any National Eligibility-Cum-Entrance Test examination for Homoeopathy (hereinafter referred to as NEET examination) and in view of the marks secured in the relevant subjects, as provided under Regulation 4 of the National Commission for Homoeopathy (Homoeopathy Graduate Degree Course – Bachelor of Homoeopathic Medicine and Surgery (B.H.M.S.) Regulations – 2022 (hereinafter referred to as the said Regulations), the appellants were all eligible to participate in the 1st BHMS examination but they were being denied participation in the said examination.

Drawing our attention to a memo dated 15th May, 2026, Mr. Mandal submits that the 1st BHMS examination is due to commence on and from 11th June, 2026 and as the appellants fulfilled the eligibility criteria as provided under the said Regulations, they should be allowed to participate in

the said examination moreso when the Kharagpur Homeopathic Medical College and Hospital (hereinafter referred to as the said College) has admitted the appellants to pursue the BHMS course for the academic year 2023-2024 and even accepted the registration fees from the appellants. The said issue was glossed over by the learned single Judge and no finding was returned on the same.

Mr. Gupta, learned advocate appearing for the Commission denies and disputes the contention of Mr. Mandal and submits that the appellants were pursuing a course pertaining to the academic session 2023-24 and the memo dated 15th May, 2026 has no manner of application in respect of the appellants, moreso when, they did not appear in the 1st BHMS examination conducted in the month of May, 2025. In view thereof, the learned single Judge rightly refused to grant any interim order.

Mr. Santra, learned advocate appearing for the West Bengal University of Health Sciences (hereinafter referred to as the said University) submits that the 1st BHMS examination pertaining to the academic session 2023-24 was conducted in the month of May 2025 and the appellants did not participate in the same.

No explanation is forthcoming as to why the appellants did not approach this Court when they were denied participation in the 1st BHMS examination pertaining to the academic session of 2023-24 conducted in the month of May 2025.

Records would further reveal that the memo dated 15th May, 2026 was not brought on record before the learned single Judge. It also cannot be ruled out that the 1st BHMS examination, as referred to in the said memo dated 15th May, 2026 is pertaining to the students of subsequent academic session and not of the academic session 2023-2024.

In the said conspectus, we are not inclined to exercise discretion in favour of the appellants and to grant the interim order, as prayed for.

As we do not find any infirmity in the order impugned, no interference is called for and accordingly, the present appeal and its connected applications are dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)