S/L 2
06.10.2026
Court No.24
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 28485 of 2026

Adarsha Patra & Ors.
Vs.
The Union of India & Ors.

Mr. Bikram Banerjee
Mr. Saikat Sutradhar
... for the Petitioners.

Ms. Chandreyi Alam
Mr. Subhajit Das
... for the Union of India.

Mr. Sahasrangshu Bhattacharjee, Ld. AGP
Mr. Suchindram Bhattacharjee
... for the State.

Mr. Lokenath Chatterjee,
Ms. Mary Datta
... for the WBUHS.

Mr. Debapriya Gupta
Mr. Sujoy Paul
... for the National Commission for Homeopathy.

1. Affidavit of service filed in Court today be kept with the records.

2. The petitioners claim to have taken admission in Kharagpur Homeopathic Medical College and Hospital for pursuing Bachelor of Homeopathic Medicine and Surgery in the academic year 2024-2025. The college is allegedly affiliated to the West Bengal University of Health Sciences since the session 2004-2005 and is also affiliated to the National Commission for Homeopathy.

3. The petitioners took admission in the course without qualifying in NEET. According to the petitioners, NEET ought to be conducted by the Commission itself and not by any other authority.

This order has been modified by speaking to the minutes of the order dated 13th October, 2026.

The petitioners contend that the Commission ought not to conduct NEET through outsourcing.

4. Reliance has been placed on the order dated November 27, 2025 passed by the coordinate Bench of this Court in **WPA 18346 of 2025 [Hrithik Chandra Sarkar vs. The Union of India & Ors.]** wherein the Court permitted the candidates to pursue their course without creating any equity in their favour and their registration would be subject to the result of the writ petition. Direction for filing affidavit has been given.

5. Reliance has also been placed on the order dated April 9, 2026 passed in batch of writ petitions one of which is **WPA 13413 of 2025 [Sourin Jana vs. The Union of India & Ors.]** wherein similar direction has been passed for registration of the candidate to enable him to pursue the course without any equity in their favour.

6. It has been submitted that the aforesaid Sourin Jana (supra) is of the same college and same batch of the petitioners. As Sourin Jana (supra) has been permitted to continue the course, similarly the petitioners may also be permitted to continue the course after registration.

7. It has been contended that similarly placed candidates ought to be treated alike.

8. Learned advocate representing the University and the National Commission for Homoeopathy

oppose the submissions and prayers of the petitioners.

9. Learned advocate for the University relies on the communication dated 26th April, 2017 made by the Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) to all the State authorities clearly mentioning that admission in AYUSH UG courses shall be compulsorily through NEET merit list from the academic year 2018-2019.

10. Reliance has also been placed on the public notice by the President, Homoeopathy Education Board dated April 24, 2025 wherein it has been notified that the National Testing Agency (NTA) is the designated authority for National Commission for Homoeopathy to conduct the National Eligibility-cum-Entrance Test. The NEET examination conducted by NTA shall be the uniform test for admission to undergraduate and postgraduate courses of Homoeopathy in all the medical institutions governed by the Commission. The activities of the counselling for admission shall be conducted by the respective counselling authority, i.e., Central Government, State Government or through their designated authority.

11. The University also relies upon the Notification dated September 12, 2025 issued by the Additional Secretary (AYUSH), Health & Family Welfare Department, Government of West Bengal mentioning that admission of students will not be allowed in the

AYUSH Institutes of the State who are not selected through NEET examination with immediate effect. Copy of the notification dated September 12, 2025 was forwarded to all the Boards of the AYUSH Institutes of the State with a direction to display the notice in their Institutions' website immediately and keep the notice visible until further order. Copy of such notice was also to be displayed in the official website of the West Bengal University of Health Sciences.

12. Learned advocate representing the National Commission for Homoeopathy relies on the information by the President, Medical Assessment and Rating Board for Homoeopathy dated February 10, 2026 regarding imposition of penalty for failure to maintain minimum essential standards of education.

13. The information clearly mentions that it has been observed that colleges are not fully complying with the minimum essential standards which adversely affect the quality of education. All colleges have been directed to ensure strict compliance with the minimum essential standards of education at all times. Penalty for Non-NEET admission per student has been proposed at rupees ten lakh.

14. The order passed by the Hon'ble Supreme Court on April 29, 2026 **in Special Leave to Appeal (C) No(s).26816/2023 [Rani Dullaiya Smriti Homeopathy Medical College vs. Union of India &**

Ors.] has been relied wherein the Court specifically held that it is difficult for the Court to accept the submission canvassed on behalf of the petitioners that insofar as NEET (UG) Homoeopathy is concerned, there has to be a separate examination.

15. To this the learned advocate for the petitioners point out that the Special Leave Petition (C) No.9815/2026 over the same issue as in Rani Dullaiya (supra) filed by the West Bengal University of Health Sciences & Ors. challenging the order dated February 18, 2026 passed by the Hon'ble Division Bench of this Court in MAT 2215 of 2025 was heard analogously but finally stood de-tagged.

16. According to the petitioners, de-tagging the SLP of the State University implies that the order passed in Rani Dullaiya (supra) cannot be made applicable in this case. As long as the SLP remains pending, interim relief ought to be granted in favour of the petitioners. Not granting similar relief as in Sourin Jana (supra) will amount to discrimination. The same is contrary to Articles 12 and 14 of the Constitution.

17. The petitioners have paid considerable sum of money for taking admission in the session 2024-2025. The college assured the petitioners that they would be able to conclude their course without any hindrance.

18. It has been argued that the notices and the notification relied upon by the respondents were all

issued after the admission of the petitioners in the course. The same ought not to be made applicable upon the petitioners who took admission in the session 2024-2025.

19. Upon hearing the submissions made on behalf of the parties and on perusal of the materials on record, it appears that specific directions have been passed by the National Commission for Homoeopathy as well as the West Bengal University of Health Sciences directing all the AYUSH Institutes not to admit any student without undergoing NEET.

20. In the instant case, admittedly, the petitioners took admission without qualifying in NEET. After taking admission, they presently pray for registration of their candidature.

21. The stand of the petitioners that they are not required to appear in NEET examination conducted by any other authority but the Commission was not accepted by the Hon'ble Supreme Court in Rani Dullaiya Smriti Homeopathy Medical College (supra),

22. The challenge before the Hon'ble Supreme Court was that NEET examination has to be conducted by the Homoeopathy Commission. The Hon'ble Supreme Court accepted the submission made on behalf of the Commission that a uniform NEET will be conducted for admission to the undergraduate course in Homoeopathy in all medical institutions governed under Section 14 of the National Commission for

Homeopathy Act, 2020. The said examination is being conducted through the designated authority which includes the NTA. The syllabus for the examination remains the same irrespective of any branch of medicine.

23. The Court was pleased not to accept the submission of the Homoeopathy college that there has to be a separate examination for NEET UG for Homoeopathy.

24. Though the Hon'ble Supreme Court was pleased to de-tag the SLP filed by the West Bengal University of Health Sciences from the matter of Rani Dullaiya Smriti Homeopathy Medical College (supra) but the binding precedent of the direction passed by the Hon'ble Supreme Court in the said matter still remains.

25. The judgment of the Hon'ble Division Bench relied upon by the petitioners in the matter of Hrithik Chandra Sarkar (supra) does not come to the aid of the petitioners as the Hon'ble Division Bench was merely pleased to remand the writ petition to the learned Single Judge for deciding the writ petition on merits.

26. As the Hon'ble Supreme Court has already decided the issue as of now, this Court is not inclined to accept any other view in the matter. The same is particularly for the purpose of maintaining the minimum essential standard in education. The

authority has already taken note that the colleges are not complying with the prescribed minimum essential standards which is adversely affecting the quality of education.

27. The college ought not to admit any candidate in the course who did not clear NEET UG conducted by the Commission through NTA.

28. The Commission is directed to take penal action against the erring colleges who are admitting students upon acceptance of huge amount of course fee contrary to the provisions of law, the notifications issued by the Commission and the University and also contrary to the direction passed by the Hon'ble Supreme Court.

29. The University is directed to conduct regular inspections and surprise visits to ascertain as to whether the colleges are taking steps strictly in terms of the several notices issued by the Commission or else the candidates who are being admitted in the colleges will be the worst sufferers. Stringent action ought to be taken against any erring college for misleading the young minds and getting them admitted in courses which will later not be registered by the University and the candidates will be left in the lurch.

30. Learned advocate for the petitioners earnestly prays for showing sympathy upon the candidates so that they do not lose their academic year.

This order has been modified by speaking to the minutes of the order dated 13th October, 2026.

31. The Court is of the considered opinion that by showing sympathy to the candidates it will not be proper to permit them to pursue the course as their entry into the course was not in accordance with law. Showing misplaced sympathy may cause harm to the society at large when later on the candidates will start medical practice and try to treat patients.

32. In view of the above, the prayer of the petitioners cannot be allowed.

33. The writ petition fails and is hereby dismissed.

34. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

35. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)

This order has been modified by speaking to the minutes of the order dated 13th October, 2026.