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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 277/2026, CM APPL. 25346/2026 & CM APPL. 25347/2026

GOVT. OF NCT OF DELHI THROUGH DIRECTORATE OF
AYUSH

.....Appellant

Through: Mr.Sameer Vashisht, S.C. with
Mr.Dhruv Rohatgi, Panel Counsel,
Ms.Chandrika, Ms.Harshita Nathrani,
Mr.Dhruv Kumar, Mr.Aryaman
Vachher, Advs & Ms.Yogita Munjal,
Director (AYUSH Dept.)

versus

DR. KEWAL KRISHNA JUNEJA & ORS.Respondent

Through: Dr.Ashwani Bhardwaj, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **17.04.2026**

1. Heard Mr.Sameer Vashisht, learned Standing Counsel for the appellant–GNCTD and Dr.Ashwani Bhardwaj, learned counsel representing the respondents.

2. This *intra-court* appeal seeks exception to an order dated 09.04.2026 passed by the learned Single Judge, wherein the learned Single Judge has noticed the fact that election process for four elected members, who would constitute the Board of Homeopathic System of Medicine, Delhi (Board), was concluded on 15.05.2023 and even after considerable period of time no satisfactory explanation was furnished as to why prompt steps were not taken for constitution of the Board in accordance with Delhi Homeopathic



Act, 1956 (hereinafter referred to as the Act, 1956).

3. The learned Single Judge further goes on to observe that so long as the election of the writ petitioners (respondents herein) is not invalidated, it was incumbent upon the respondent (appellant herein) to have constituted the Board without any delay. It has further been observed in the impugned order that the explanation offered by the GNCTD for not constituting the Board within reasonable time, is inadequate, and further that assigning the work of the Board to an authority would not absolve the GNCTD from discharging its statutory functions.

4. The learned Single Judge has also recorded in the impugned order that for these reasons the GNCTD seems to have failed to discharge its statutory obligation and, therefore, the Court was left with no option except to direct the personal appearance of the Chief Secretary.

5. The learned Single Judge, thus, directed that the Chief Secretary shall be present before the Court on the next date i.e. 15.04.2026 to justify as to why prompt action was not taken.

6. We have been informed by the learned counsel representing the appellant that on 15.04.2026 an affidavit was filed on behalf of the State Government stating therein *inter alia* that the National Capital Civil Service Authority (Authority) constituted under Section 45E(1) of the Government of National Capital Territory of Delhi Act, 1991 (GNCTD Act) has recommended constitution of the Board to the Lieutenant Governor of Delhi for approval and notification. It was also stated in the said affidavit that recommendation for constitution of the Board made by the GNCTD to the Lieutenant Governor was in compliance of Section 45 D(b) of the GNCTD Act.



7. Stating the aforesaid facts on 15.04.2026 before the learned Single Judge, exemption of appearance of the Chief Secretary on the next date of hearing was sought, however, we have been informed that his appearance has not been exempted and the matter is now listed for 20.04.2026.

8. The aforesaid proceedings, which were conducted on 15.04.2026 before the learned Single Judge, are not being disputed by the learned counsel for the respondents.

9. We have also been informed that on 13.04.2026 the Board has been constituted which comprises of two of the four writ petitioners as elected members and five others, who are nominated members or *ex-officio* members. We have further been informed that the order dated 13.04.2026 constituting the Board was also brought to the notice of the learned Single Judge.

10. However, it appears that the learned Single Judge was not satisfied for the reason that the order constituting the Board dated 13.04.2026 mentions that term of elected members shall be for three years from the date of election. As already noticed above, two of the writ petitioners who have been included as elected members of the Board, were elected in the election held on 15.05.2023 and, therefore, in view of the prescription made in the order dated 13.04.2026 to the effect that their term will be three years from the date of election, the term of these writ petitioners as elected members will expire on 14.05.2026 itself. As a result of such a prescription made in the order dated 13.04.2026, the elected members who ordinarily would have got a term of three years from the date of their election, will get the term of only a month. It seems that in these circumstances, the learned Single Judge has ordered the presence of the Chief Secretary to explain such



discrepancies/anomalies in constitution of the Board, on the next date i.e. 20.04.2026.

11. It is a matter of concern that despite the fact that election for being member of the Board was held on 15.05.2023, however considerable time of almost three years has been taken for constituting the Board which is apparently inordinate and unexplained.

12. The Board, in terms of the provisions contained in Section 32 of the Act, 1956 performs certain statutory functions. Section 32 of the Act, 1956 is extracted herein below:-

“32. Powers of the Board - The Board shall have the power:-

(1) To recognize homeopathic educational or instructional institutions for purposes of affiliation;

(2) To prescribe courses of study and curricula for general instruction or special or refresher courses in institutions affiliated to the Board in such branches of the Medical Science of homoeopathy as the Board may think fit;

(3) To hold examinations and to grant and confer degrees and diplomas to and on persons who shall have pursued a course of study in the educational institutions affiliated to the Board;

(4) To institute exhibitions and award medals there, at and also to grant scholarships and medals to those who obtain high position at the Board's examinations or are poor and deserving, and with the sanction of the State Government, to grant to students scholarships for special study in research and manufacture of homoeopathic medicine in any medical institution or a reputed firm that the Board may think fit, whether in India or abroad and to endow Chairs of Homoeopathy in institutions affiliated to the Board;

(5) To demand and receive from students such fees as may be prescribed for admission to the Board's examinations;

(6) To exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangements for promoting the health and general welfare of their students;



(7) To appoint examiners and publish the results of the examinations held by it.

(8) To suspend or withdraw the recognition of any institution which is not conducted in accordance with the conditions prescribed by this Act, or rules framed thereunder:

Provided that no such action shall be taken without affording the Committee of Management of such an educational institution an opportunity of making such representation as it may deem fit:

(9) To establish or aid research institutions and to arrange for post-graduate study in the science of homoeopathy and to encourage scientific manufacture of homoeopathic medicine in the State;

(10) To publish homoeopathic journals, and

(11) To do such acts, not inconsistent with the provisions of this Act, as may be necessary for the furtherance of the objects of the Act. ”

13. A perusal of the provisions contained in Section 32 of the Act, 1956 reveals that essentially the functions being statutorily performed by the Board are in relation to education concerning certain branches of Medical Science of homeopathy. The Board recognises the homeopathic educational or instructional institutions, it prescribes courses of study and curricula, holds examination and grants and confirms degrees and diplomas and institutes award and medals etc. It is for the reason of the nature of functions to be performed by the Board that the Legislature, in its wisdom, in Section 3 has provided that while establishing the Board, four members shall be elected members from amongst those who have put in at least ten years practise in Homeopathy. The other members to be nominated by the State Government are either practitioners of Homeopathy or a member from public having interest in Homeopathy.



14. Section 5 of the Act, 1956 prescribes the term of office of members, which is three years from the date of election or nomination, as the case may be. This provision also vests power in the State Government to extend this term upto two years by way of issuing a notification to be published in the Official Gazette.

15. We have been informed that the Board in its statutory form in terms of Section 3 is not functioning in Delhi since May, 2023 and functions of the Board have been assigned to a Joint Secretary level Officer of the Government. Appellant could not point out any provision in the Act, 1956 which permits that the functions of the statutory Board to be established under Section 3 can be assigned to an Officer. As already noticed above, the Board essentially comprises of professionals, who have experience and knowledge of practice in Homeopathy and assigning such functions to an Officer not having the knowledge of or practice in Homeopathy, in our opinion, goes completely in derogation of the very purpose of the constitution of the Board as prescribed by the Legislature.

16. Learned counsel for the respondents has submitted that apart from the fact that two of the writ petitioners have been nominated as members of the Board only for a period of one month, rest of the two writ petitioners have not been made part of the Board despite having been elected way back on 15.05.2023. He further states that their elections have not been invalidated by any authority or by any Court of law and as such in terms of Section 3 they are also entitled to be made part of the Board.

17. Since the issue relating to entitlement of all the petitioners to be members of the Board and constitution of the Board in terms of the provisions contained in Act, 1956 are engaging attention of the learned



Single Judge in the writ petition, we refrain from making any observation on any such issue, however, we are unable to restrain ourselves from expressing our deep concern, anguish and despair about the manner in which the GNCTD has conducted itself so far as the constitution of the Board in terms of the statutory requirement, as mandated by the Act, 1956, is concerned.

18. An affidavit has been filed today which is sworn in by the Secretary, Department of Health and Family Welfare, GNCTD. The said affidavit is taken on record.

19. It has been stated in the affidavit filed today by the Secretary, Department of Health and Family Welfare that in terms of Section 5 of the Act, 1956 the term of office of the elected members is extendable by the State Government by such period not exceeding two years in the aggregate. The affidavit further states that the Department of Health and Family Welfare has recommended the names of Dr.Megha Sharma and Dr.Ravpreet Singh, who are part of the Board constituted vide order dated 13.04.2026, for such extension to National Capital Civil Services Authority vide letter dated 16.04.2026. The said letter dated 16.04.2026 has also been enclosed as Annexure R-2 appended to the affidavit.

20. In view of the aforesaid, so far as the writ petitioners Dr.Megha Sharma and Dr.Ravpreet Singh are concerned, the matter relating to extension of their term is under consideration. We hope and expect that extension to these writ petitioners shall be granted considering the fact that had the Board been constituted within a reasonable time after they were elected on 15.05.2023, they would have continued as members, in ordinary course, for a period of three years. It is therefore, directed that the decision by the Authority shall be taken and consequential notification in respect of



their extension shall, thus, be issued as early as possible and in any case, before 15.05.2026.

21. So far as the grievance expressed by the learned counsel for the respondents in respect of the other two writ petitioners on account of their non-inclusion in the Board is concerned, we leave it open to these writ petitioners to avail appropriate remedy, which may be available to them under law, including stressing upon such grievances before the learned Single Judge in the pending writ petition.

22. In view of the aforesaid, we do not find that any fruitful purpose will be served by requiring the presence of the Chief Secretary before the learned Single Judge in the proceedings of the pending writ petition. His presence is, thus, exempted unless otherwise required in future.

23. We request, Mr.Vashisht to convey the concerns of this Court to the appropriate authority of the GNCTD, so that legislative mandate as embodied in Delhi Homeopathic Act, 1956 is followed in letter and spirit.

24. The appeal stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

ANISH DAYAL, J

APRIL 17, 2026

S.Rawat