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

\# **CNR No. DLHC010444762026**

\+ W.P.(C) 13724/2026 & CM APPL. 64026/2026

SENDHWA HOMOEOPATHIC MEDICAL COLLEGE AND HOSPITAL

.....Petitioner

Through: Adv. Animesh Kumar, Adv. Nishant Kumar, Adv. Aprajita, Adv. Manini Shah, Adv. Shahid Ali Siddique and Adv. Naina Agarwal

versus

NATIONAL COMMISSION FOR HOMOEOPATHY & ORS.

.....Respondents

Through: Adv. Ankita Chaudhary, Adv. Avnish Dave, Adv. Parmod Kumar Vishnoi, Adv. Chand Kapoor for R1

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

O R D E R

% 29.10.2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

> *"a) Issue an appropriate writ/order/direction in nature of certiorari quashing the letter bearing F. No. 4-7/2026-27/NCH(MA&RB) (116-09) dated 11.08.2026 issued by the Medical Assessment and Rating Board for Homeopathy – National Commission for Homeopathy/ Respondent.*
>
> *b) Issue an appropriate writ/order/direction in nature of mandamus to direct Respondent No. 2 to grant permission to admit students with 100 intakes in BHMS Course for AY 2026-*

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27.....”

2. The brief facts of the present case are that the petitioner was established in the year 2001 at Sendhwa, District Barwani, Madhya Pradesh and is affiliated to the M.P. Medical Science University, Jabalpur, District Barwani.

3. The petitioner had applied for continuance of its 100 seats for the academic session 2026-2027. Pursuant to inspection by the respondent No. 2, certain shortfalls were communicated to the petitioner. Thereafter, a hearing was conducted, and communications were exchanged between the petitioner and the respondents. Subsequently, *vide* impugned letter dated 11.08.2026, permission was refused to the petitioner.

4. Thereafter, the petitioner preferred a statutory appeal under Section 24(3) of the National Commission for Homeopathy Act, 2020. The same was partly allowed. However, since the petitioner alleges violation of the principles of natural justice, the present petition has been filed.

5. Mr. Kumar, learned counsel for the petitioner, draws my attention to the show cause notice dated 29.04.2026, annexed as Annexure-P11 with the petition and more particularly, the allegations mentioned therein, which read as under:-

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ANNEXURE-P/11

होम्योपैथी चिकित्सा आंकलन और रेटिंग बोर्ड
Medical Assessment and Rating Board for Homoeopathy
राष्ट्रीय होम्योपैथी आयोग
National Commission for Homoeopathy
Ph.: 011-28520188 | Email id: marbh1-nch@gov.in | Website: www.nch.org.in

F. No. 4-7/2025-26/NCH (MARBH)/(116-09) **Date: 29/04/2026**

To,

The Principal,
Sendhwa Homoeopathic
Medical College & Hospital, Dist Barwani,
Sendhwa- 451666, M.P.

Sub : Hearing committee meeting on the shortfalls observed during examination of special application proforma of Sendhwa Homoeopathic Medical College & Hospital, Dist Barwani, Sendhwa- 451666, M.P. for continuing BHMS course with intake capacity of 100 seats under section 28 of NCH Act 2020- reg.

Sir,

As per provision in the NCH Act, 2020 Medical Assessment and Rating Board for Homoeopathy has been constituted with the mandate to grant permission to the existing and new medical institution of Homoeopathy.

I. College functioning

i. Total faculty registered on AEBAS portal is 43.

	Professor	Associate professor	Assistant professor
Registered	15	17	11
Marking attendance	15	17	11
Not marking attendance	00	00	00

ii. In Department of Physiology 01 Assistant Professor is deficient.
iii. Pay scale of all the teaching staff is not according to MES- 2024.

II. Hospital functioning

i. Registered staff on AEBAS portal.

	Medical staff	**Puru medical staff**
Registered	22	19
Marking attendance	21	16
Not marking attendance	01	03

ii. 01 General Physician is deficient.
iii. 01 Surgeon is deficient.
iv. 01 Obstetrician/ Gynecologist is deficient.
v. 01 Pathologist is deficient.
vi. 01 Operation theatre assistant is deficient.
vii. 01 Operation theatre nurse is deficient.
viii. 01 Ward boys or Ayas is deficient.
ix. 01 Storekeeper is deficient.

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x. 01 Dietician is deficient.
xi. Physiotherapy unit is non- functional.
xii. NABH accreditation is not available.
xiii. Clinical teaching room is not available.
xiv. Annual data of OPD & IPD is not available.
xv. Pay scale of all the hospital staff is not according to MES- 2024.

III. Departmental Deficiencies:

i. In department of Pharmacy charts are not as per MES.
ii. In department of FMT charts are not as per MES.
iii. In department of METU Books & Journals on Medical Educational Technology are not available.

It has been observed that the College does not fulfill the statutory requirement as per National Commission for Homoeopathy Act and its relevant regulations.

Therefore, the college is given an opportunity to be heard on the above shortfalls through **physical hearing on 08.05.2026 at 03:00 p.m. at Medical Assessment & Rating Board of Homoeopathy, National Commission for Homoeopathy, 4th floor, 61-65, Institutional Area, Opp D Block, Janakpuri, New Delhi- 110058.** The principal or authorized signatory of the college shall attend the hearing.

It may be noted that in case you do not bring the documents and attend the hearing at the stipulated time and date, it will be presumed that you have nothing to say in the matter and necessary action will be taken based on the available documents, as per the provisions of the National Commission for Homoeopathy Act, 2020 and its relevant regulations made there under.

Your attendance may be confirmed through return mail.

Thanking you,

Yours Faithfully,

Digitally signed by
MANGESH RAMESHCHANDRA JATKAR
Date: 29-04-2026 18:14:15

Dr. Mangesh R. Jatkar
President, MARBH

6. He further states that the deficiencies pointed out in the said show cause notice were regarding college functioning, hospital functioning, and departmental deficiencies enumerated as Serial Nos. I, II and III of the said letter/notice.

7. Thereafter, he refers to the impugned order dated 11.08.2026, which reads as under:-

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Medical Assessment and Rating Board for Homoeopathy
राष्ट्रीय होम्योपैथी आयोग
National Commission for Homoeopathy
Ph.: 011-28520188 | Email Id: marbh1-nche@gov.in | Website: www.nch.org.in

F.No.-4-7/2026-27/NCH(MA&RB)(116-09) Date: 11.08.2026

To,
The Principal,
Sendhwa Homoeopathic Medical College & Hospital
Dist. Barwani, Sendhwa-451666
shmcsendhwa@gmail.com

Sub: Application for Letter of permission for functioning of Sendhwa Homoeopathic Medical College & Hospital, Dist. Barwani, Sendhwa-451666, for admission in BHMS Course with intake capacity of 100 seats for the academic year 2026-27.

Sir/Madam,

Sendhwa Homoeopathic Medical College & Hospital has submitted an application for permission of 100 seats in BHMS course for the academic year 2026-27. The Medical Assessment and Rating Board (MARBH) has conducted inspection of the college on 15.04.2026 & 16.04.2026 followed by hearing on 08.05.2026. The Board has examined the College to ascertain whether the college fulfils the Minimum Essential Standards as per the regulations in force. On careful examination of the report, the MARBH observed the following shortfalls:

A. **College Functioning**:
   i. **Department of Physiology:** Deficiency of 01 Professor.

B. **Hospital Functioning:** The college does not have its own collegiate hospital as per Second schedule of National Commission for Homoeopathy (Minimum Essential Standards for Homoeopathic Colleges and Attached Hospitals Regulations), 2024.

The above deficiencies in a medical institution will inevitably compromise the standards of clinical teaching and severely affect the clinical competency of medical students.

C. **Salary:** Salary of teaching staff, non-teaching staff and hospital staff is not as per sub regulation of E (5) of First Schedule of National Commission for Homoeopathy (Minimum Essential Standards for Homoeopathic Colleges and Attached Hospitals) Regulations, 2024.

2. Considering the above observations during inspection and hearing, MARBH has decided to issue **denial of permission to Sendhwa Homoeopathic Medical College & Hospital, Dist. Barwani, Sendhwa-451666, for admission in BHMS Course with intake capacity of 100 seats for the academic year 2026-27.**

2. **If the College is aggrieved by any decision of the Autonomous Board, college may prefer an appeal to the Commission against such decision within 30 days of the communication of such decision as per National Commission for Homoeopathy (Assessment and Rating of Medical Institutions) Regulations 2024, section 14 subsection (1)". The Manner of Instructions for appeal are attached.**

Thanking You.

Digitally signed by Yours faithfully,
MANGESH RAMESHCHANDRA JATKAR
Date: 11-08-2026 18:05:15

(Dr. Mangesh Jatkar)
President, MARBH

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Copy to (through) email:

1. Chairperson, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. D' Block, Janakpuri, New Delhi-110058.
2. Smt. Vijaya Lakshmi Bhardwaj, Director, Ministry of Ayush, Govt of India, AYUSH BHAWAN, B Block, GPO Complex, INA, NEW DELHI - 110023 Email- (vijayalakshmi.bhardwaj40@gov.in., aacec-admn-ayush@gov.in, eph-ayush@gov.in).
3. The Registrar, Madhya Pradesh Medical Science University, medical college campus, Jabalpur-482003. Email id. registrarmpmsu@mp.gov.in.
4. The Director,Secretary cum Commissioner (Ayush), Government of Madhya Pradesh, room no.241, Mantralaya (Vallabh Bhawan) Area Hills, Bhopal-462004. Email id: mopdismh@yahoo.com .
5. President, Homoeopathy Education Board, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058.
6. President, Board of Ethics and Registration for Homoeopathy, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058.
7. Legal Cell, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. 'D'Block, Janakpuri, New Delhi-110058

8. A perusal of the aforesaid impugned letter shows that the permission sought by the petitioner has been rejected on grounds which were never put to the petitioner in the show-cause notice. In particular, with respect to the functioning of the hospital, the show-cause notice alleged only deficiencies in staff, whereas the impugned order rejects the application on the distinct ground that a collegiate hospital does not exist.

9. Additionally, the impugned order also relies on the ground that the salaries of teaching and non-teaching staff were not stated in accordance with Regulation E-5 of the First Schedule. This alleged shortfall was not pointed out in the show-cause notice at all.

10. In response, Ms. Chaudhary, learned counsel for the respondents, has drawn the attention of this Court to paragraph 14 of the counter-affidavit dated 08.10.2026, which reads as under:-

> *"14. That the Petitioner College has vehemently tried to establish his case by showcasing that it had an attached hospital as a result of transfer of RadhaKrishna College to*

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itself in its entirety, but the statutory provisions categorically indicate that the attached Hospital along with the Registration Certificate has to be there the time of submission of application form. More particularly, in the first instance the Petitioner college submitted a certificate issued by the Office of Chief Medical and Health Officer which certified that RadhaKrishna College would a run nursing home under the Allopathy System of Medicine, thereafter, on 05.09.2026, after passing of the denial Order dated 11.08.2026, the Petitioner managed to secure a certificate from the Office of Chief Medical & Health Officer, wherein the Petitioner college was authorized to carry on the said Nursing Home under the Homoeopathy System of Medicine."

11. She further submits that, at the time of applying for extension of permission, the petitioner is required to state on affidavit that it has complied with all the regulations of the respondents. Since this was not done, it is contended that the impugned order deserves to be upheld.

12. The principles of natural justice require that, before an adverse order is passed, the concerned party must be afforded an opportunity to respond to the deficiencies sought to be relied upon against it.

13. I am of the view that the purpose of a show-cause notice is to put to the noticee the shortfalls and allegations on the basis of which a decision is proposed to be taken. Such an exercise must be meaningful and not a mere formality or an empty ritual. In the present case, the show-cause notice dated 29.04.2026 confined the hospital-related allegations to deficiencies in staff,

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and made no mention of the absence of a collegiate hospital or of non-compliance with Regulation E-5 of the First Schedule, yet both were made the basis of rejection in the impugned letter dated 11.08.2026. The petitioner was thus denied an opportunity to respond to these grounds, and the submission regarding the absence of an affidavit of compliance cannot cure this defect, as the order cannot be sustained on grounds not put to the petitioner.

14. In view of the above, the petition is allowed, and the impugned order dated 11.08.2026 is set aside.

15. The interim order dated 18.09.2026 is hereby confirmed.

16. Nothing precludes the respondents from proceeding in accordance with law.

17. With these directions, the petition, along with any pending application, stands disposed of.

18. The petitioner is consequently permitted to participate in the counselling for 100 students in the BHMS course for the Academic Session 2026-2027.

JASMEET SINGH, J

OCTOBER 29, 2026/NR

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