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

+ **W.P.(C) 17753/2025 & CM APPL. 73384/2025**

**SMT VASANTABEN N VYAS HOMOEOPATHIC MEDICAL
COLLEGE AND HOSPITAL**Petitioner

Through: Mr. A. Mariarputham, Senior
Advocate with Mr. Avneesh Arputham and Mr.
Ankit Sharma, Advocate.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. P.S. Singh, CGSC with Ms.
Minakshi Singh, Mr. Rajneesh Kumar Sharma and
Mr. Ashutosh Bharti, Advocates for R-1 and Mr.
Gopesh Jindal and Ms. Malvika, Advocates.
Ms. Ankita Choudhary, Mr. Pramod Kumar
Vishnoi, Mr. Kumar Prashant, Mr. Shreyas Balaji
and Ms. Chand Kapoor, Advocates for R-2 and
R-3.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
06.12.2025

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1. This writ petition is filed on behalf of Petitioner under Article 226 of the Constitution of India seeking following reliefs:-

“a) Quash the impugned order dated 17.11.2025 whereby the Respondent No.1 has dismissed the Petitioner’s second appeal for renewal of annual permission to admit students for 100 seats in the BHMS course for the academic year 2025-26;

b) Direct the Respondents to grant permission to the Petitioner College for renewal of annual permission to admit students for 100 seats in the BHMS course for the academic year 2025-26;

c) Direct the Respondent No. 4 to include the Petitioner College in the



counselling process for admission of students, or hold a special round of counselling, for 100 seats in the BHMS course for the academic year 2025-26;”

2. Mr. A. Mariarputham, learned Senior Counsel appearing for the Petitioner submits that without prejudice to the case of the Petitioner that all deficiencies pointed out in the impugned orders have been rectified and cured, impugned order dated 17.11.2025 passed by Respondent No. 1 is in violation of principles of natural justice inasmuch as neither the copy of the report of the inspection conducted on 11.06.2025 was provided to the Petitioner *albeit* this was the basis of the show cause notice dated 25.06.2025 leading to order dated 30.06.2025, whereby permission has been denied to the Petitioner for continuing BHMS Course with intake capacity of 100 seats for academic year 2025-2026. Additionally, the Second Appellate Committee did not provide personal hearing to the Petitioner and no opportunity was given to produce the relevant documents besides the fact that documents provided by the Petitioner were not taken into consideration while rejecting the Appeal on 17.11.2025.

3. Learned counsels for the Respondents fairly and candidly do not deny that copy of inspection report was not provided to the Petitioner *albeit* it is urged that there was no requirement to do so as show cause notice was issued on 25.06.2025 granting opportunity to the Petitioner to bring relevant documents and attend the hearing and establish that the deficiencies pointed out did not exist and/or were rectified.

4. Heard learned Senior Counsel for the Petitioner and learned counsels for the Respondents.

5. From a perusal of the show cause notice dated 25.06.2025, it is seen



that a number of deficiencies have been detailed therein and Petitioner was called to submit documents and attend the hearing with respect to the alleged shortfalls. Indisputably, the basis of the show cause notice as also the decision dated 30.06.2025 by Medical Assessment and Rating Board for Homoeopathy/Respondent No. 3 is the report of inspection conducted on 11.06.2025 and 12.06.2025. Copy of the report was never furnished to the Petitioner. Impugned order dated 17.11.2025 passed by the Second Appellate Committee further evidences that personal hearing was not granted to the Petitioner and this becomes significant in light of the contention of the Petitioner that some of the deficiencies noted in the order in fact did not exist when the order was passed and had the Petitioner been called for a hearing, documents would have established this position. Therefore, without expressing any opinion on the merits of the case and/or making any observation on the existence of the alleged deficiencies, this writ petition is disposed of with the following directions to Respondent No. 1:-

- a) Respondent No. 1 shall grant opportunity of personal hearing to the authorized representative of the Petitioner on 22.12.2025 at 2:00 PM.
- b) Respondent No. 3 shall furnish copy of report of inspection conducted on 11.06.2025 and 12.06.2025 to the Petitioner within one week from today.
- c) It will be open to the Petitioner to submit a written representation along with all relevant documents on the date of personal hearing.
- d) Respondent No. 1 shall take a decision within two weeks from the date of personal hearing and needless to state that while taking



decision, Respondent No. 1 shall take into consideration the written submissions as also the documents appended thereto.

- e) Respondent No. 1 shall also consider Notification dated 16.04.2025 issued by Respondent No. 3 under The National Commission for Homoeopathy (Minimum Essential Standards for Homoeopathic Colleges and Attached Hospitals), Regulations – 2024, which enables the Board to grant relaxations in respect of teaching/non-teaching staff/hospital bed strength etc. while taking a decision.
- f) A reasoned and speaking order will be passed by Respondent No. 1 and will be communicated to the Petitioner within one week from the date of the decision.
6. Needless to state that if the Petitioner is aggrieved by the decision, it will have the liberty to take recourse to legal remedies.
7. Pending application stands disposed of.

JYOTI SINGH, J

DECEMBER 6, 2025/AK