

GAHC010108352026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2865/2026

DEEPMANI NATH AND ANR
SON OF LANKESWAR NATH, RESIDENT OF VILLAGE PANERI, P.O AND P.S -
PANERI, UDALGURI, ASSAM - 784523.

2: CHANDRA SAIKIA
DAUGHTER OF DHAN SAIKIA
RESIDENT OF VILLAGE MIKIRPAR URIA GAON
P.O - NONOI S.O
P.S - NAGAON
DISTRICT NAGAON - 78210

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, MEDICAL EDUCATION AND RESEARCH
DEPARTMENT, DISPUR, GUWAHATI-6.

2: THE DIRECTOR OF AYUSH
ASSAM
3RD FLOOR
ELYSIAN PALACE
HOUSE NO. 9
NEAR DISPUR LAW COLLEGE
DISPUR
GUWAHATI-6.

3: THE NATIONAL COMMISSION FOR HOMOEOPATHY
REPRESENTED BY ITS CHAIRMAN
61-65 INSTITUTIONAL AREA
OPPOSITE D-BLOCK
JANAKPURI
NEW DELHI- 110058.

4:THE HOMEOPATHY EDUCATION BOARD
NATIONAL COMMISSION FOR HOMOEOPATHY
REPRESENTED BY ITS PRESIDENT
61-65 INSTITUTIONAL AREA
OPPOSITE D-BLOCK
JANAKPURI
NEW DELHI-110058.

5:THE SRIMANTA SANKARADEVA UNIVERSITY OF HEALTH SCIENCES
SSUHS
REPRESENTED BY ITS REGISTRAR
NARAKASUR HILL TOP
BHANGAGARH
GUWAHATI-32.

6:THE CONTROLLER OF EXAMINATION
SRIMANTA SANKARADEVA UNIVERSITY OF HEALTH SCIENCES SSUHS
NARAKASUR HILL TOP
BHANGAGARH
GUWAHATI-32.

7:THE PRINCIPAL
SWAHID JADAV NATH HOMOEOPATHIC MEDICAL COLLEGE AND
HOSPITAL
PANJABARI
GUWAHATI-37.

8:THE REGISTRAR
BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE
ASSAM
DISPUR
GUWAHATI-6

Advocate for the Petitioner : MR. H R DAS, MR J LOTHAN,MR H K SARMA,MR B D DAS

Advocate for the Respondent : SC, HEALTH,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG
ORDER**

03.06.2026

Heard Mr. B. D. Das, learned Senior Counsel assisted by Mr. J. Dutta, learned counsel for the petitioners. Also heard Mr. B. Gogoi, learned Standing counsel, Health Department for the respondent Nos. 1, 2, 5, 6, 7 & 8.

2. By filing the present writ petition, the petitioners has challenged the notice dated 24.02.2026 whereby the 4th Year BHMS Examination held in April, 2025 was declared invalid on the ground that the said examination had been conducted before the expiry of six months from the date of the 3rd BHMS Examination as it is provided under the relevant Regulations that there has to be a gap of six months between two examinations.

3. The petitioners contended that they had appeared in the said examination pursuant to the schedule fixed by the University and has completed the entire course. The petitioners having clear the exam are now required to undergo the compulsory internship programme of 1 (one) year to be conducted by the University. The petitioners has also challenged the notification dated 15.05.2026 whereby the University has proposed to conduct a re-examination of the 4th Year BHMS Examination for those students, including the petitioners, in whose cases the mandatory gap of six months between the examinations was not maintained.

4. It is submitted that, in respect of similarly situated students, a Coordinate Bench of this Court has already granted interim protection. Hence, prays for the similar protection.

- 5.** Issue notice to the respondents, returnable by 15.06.2026.
- 6.** Since Mr. Gogoi, learned Standing counsel, Health Department, has entered appearance and accepted notice on behalf of respondent Nos. 1, 2, 5, 6, 7 & 8, no formal notice is required to be issued to the said respondents. However, he shall be provided with the requisite extra copy of the petition within one week from today.
- 7.** The learned counsel for the petitioners shall take steps for service of notice upon the rest of the respondents by speed post as well as by usual process within a week from today.
- 8.** In the meantime, the petitioners shall be permitted to undergo their compulsory internship/training and shall not be compelled to appear in the re-examination scheduled to be held in the month of June' 2026, subject to further order(s) of this Court.
- 9.** It is further made clear that the continuation of the internship/training and all benefits arising therefrom shall remain subject to the outcome of the writ petition.
- 10.** List the matter along with WP(C) No. 2600/2026 on **15.06.2026**.

JUDGE

Comparing Assistant