



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

2026:RJ-JD:24942-DB

D.B. Special Appeal Writ No. 77/2026

National Commission For Homoeopathy (NCH), through its Secretary, Jawahar Lal Nehru Bhartiya Chikitsa Anusanthan Bhawan, Nos. 61-65, Institutional Area, Opposite D Block, Janakpuri, New Delhi 110058

----Appellant

Versus

1. The Tania University, Hanumangarh Road, Sri Ganganagar, Through Its Registrar Dr. Vinod Sharma, Aged About 43 Years, Son Of Shri Dharam Chand Sharma.
2. J R Tania Charitable Trust, 2-A-6, Sukhadia Nagar, Sri Ganganagar Through Its Authorized Signatory Mukesh Kumar S/o Shri Bhagirath Ji Aged About 31 Years.
3. Sri Ganganagar College Of Ayurvedic Science And Hospital, Hanumangarh Road Sri Ganganagar, Through Its Authorized Signatory Ashwini Gogia W/o Hari Chand Gogia, Aged About 50 Years.
4. Sri Ganganagar Homoeopathic Medical College, Hanumangarh Road, Sri Ganganagar, Through Its Authorized Signatory Ashwini Gogia, S/o Hari Chand Gogia, Aged About 50 Years.
5. State Of Rajasthan, Through The Principal Secretary, Department Of Ayurveda And Indian Medicine, Government Of Rajasthan, Secretariat, Jaipur.
6. The Counseling Board Bams, Bhms Bnys Counseling Dr. Sarvapalli Radha Krishnan Rajasthan Ayurved University, Nagaur Karwar, Jodhpur Through Chairman, Counseling Board.
7. The Union Of India, Through The Secretary, Ministry Of Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homeopathy (Ayush), B-Block, Gpo Complex, Ina, New Delhi-110023.

----Respondents

Connected With

D.B. Special Appeal Writ No. 210/2026

National Commission For Homoeopathy (Nch), Through Its Secretary, Jawahar Lal Nehru Bhartiya Chikitsa Anusanthan Bhawan, Nos. 61-65, Institutional Area, Opposite D Block, Janakpuri, New Delhi 110058

----Appellant

Versus

1. Madhav University, Abu Road, District Sirohi Through Its Authorized Signatory Dr. Sunil Singh Aged About 42 Years, Son Of Shri K.n. Singh.
2. Madhav Homeopathic Medical College, Madhav University



Campus, Abu Road, Sirohi Through Its Principal Dr. Sunil Singh, Aged About 42 Years Son Of Shri K.n. Singh.

3. State Of Rajasthan, Through The Principal Secretary, Department Of Ayurveda And Indian Medicine, Government Of Rajasthan, Secretariat, Jaipur.
4. The Counseling Board Bams, Bums, Bhms, Bnys, Dr. Sarvapalli Radh Krishnan Rajasthan Ayurved University, Nagaur Road, Karwar, Jodhpur Through Chairman, Counseling Board.
5. The Union Of India, Through Secretary, Ministry Of Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homeopathy (Ayush), B-Block, Gpo Complex, Ina, New Delhi-110023

-----Respondents

For Appellant(s)	:	Mr. Sunil Joshi
For Respondent(s)	:	Mr. Bharat Vyas, Sr. Adv. & ASG (through VC) assisted by Mr. Vaibhav Bhansali Mr. R.N. Mathur, Sr. Adv. (through VC) assisted by Mr. Surendra Choudhary and Mr. Deepak Kunwar Mr. Akhilesh Rajpurohit Mr. Tararam Sirvi Mr. Hanuman Singh

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

HON'BLE DR. JUSTICE NUPUR BHATI

Order

21/05/2026

1. Learned counsel for the appellant – National Commission for Homeopathy ("NCH") submits that the controversy involved in the present matter pertains to admissions granted by private homeopathy colleges in various courses during the academic session 2018. It is submitted that such admissions were made through the counselling process conducted for NEET BAMS/BUMS/BHMS/BNYS-2018, without NEET examination in terms of the Annexure-1 to the writ petition.



1.1. Learned counsel fairly submitted that the impugned order proceeded on the premise of mandatory NEET qualification, which was merely an executive instruction and not in consonance with law and, therefore, the same could have been implemented only through appropriate legislation. It was further submitted that introduction of eligibility criteria through executive instructions, without amending the statutory regulations, was impermissible in law. It was further submitted that the issue already stood resolved by the judgment rendered by the Hon'ble Patna High Court on 10.10.2018 in ***Vihar Private Unani Medical College Vs. Union of India & Ors. (CWJC No.16541/2018)***, wherein it was held that neither the Union of India nor the appellant-NCH had the jurisdiction or authority to amend the eligibility criteria by making NEET/AIPGET qualification mandatory for admission without duly amending the relevant regulations. Learned counsel submitted that the proposition upheld by the Hon'ble Patna High Court had attained finality and the impugned communications were accordingly struck down.

1.2. Learned counsel thus fairly admits that the mandatory requirement of NEET/AIPGET-2018 was watered down and washed away by the judgment of the Hon'ble Patna High Court. However, at this juncture, he emphatically submits that the said judgment does not preclude the appellant, being a statutory body, from examining the records of the students before granting registration with the council or from examining whether the admissions in question were made strictly in accordance with law, except to the extent covered by the mandate of the Hon'ble Patna High Court.



2. On the aforesaid limited submissions, learned counsel Mr. Akhilesh Rajpurohit fairly agrees that the students may go through the filter of the council for the purpose of examining the legality of the admissions granted by the college and the conduct of the courses, except insofar as the regulations struck down by the Hon'ble Patna High Court are concerned.

3. In view of the aforesaid consensus, the present appeals are disposed of with a direction that the National Commission for Homeopathy, prior to registration, shall conduct an exercise of examining the admissions of 2018 batch of homeopathy students and it shall be open to the NCH to preclude them from registration where the admissions are found illegal or contrary to law. However, it is made clear that if at all such registration is denied, the same shall not be on the count that has already been dealt with in favour of the students by the Hon'ble Patna High Court.

4. The aforesaid procedure for consideration of registration shall be completed within a period of **three months**. It is further made clear that the students shall be required to furnish all the information and documents sought by the NCH and in case the NCH proposes to draw any adverse conclusion against any students, an opportunity of hearing shall be afforded to the concerned students. It shall be open for the NCH to take action strictly in accordance with law.

(DR. NUPUR BHATI),J

(DR. PUSHPENDRA SINGH BHATI),J