



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 07th DAY OF FEBRUARY 2022

2239/22
H. Jayashree Sahas

PRESENT
THE HON'BLE MR. JUSTICE ALOK ARADHE
AND
THE HON'BLE MR. JUSTICE M.G.S. KAMAL
WRIT PETITION NO. 1261/ 2022 [EDN-MED-ADM]

PETITIONERS:

1. KARNATAKA PRIVATE HOMOEOPATHIC MEDICAL COLLEGES MANagements ASSOCIATION, NO.103/6 40 FEET BDA ROAD NGEF LAYOUT, MALLATHALLI, BENGALURU-560056
REPRESENTED BY ITS GENERAL SECRETARY
SRI K CHANDRASHEKHAR S/O SRI HANUMANTHAPPA
AGED 73 YEARS.

2. ANURADHA HOMOEOPATHIC MEDICAL COLLEGE AND HOSPITAL, SUNKADAKATTE, BENGALURU-560091
REPRESENTED BY ITS PRINCIPAL DR AMARAGOUDA PATIL
S/O LINGANAGOUDA, AGED ABOUT 63 YEARS

3. FR MULLER HOMOEOPATHIC MEDICAL COLLEGE AND HOSPITAL, DERALAKATTE, MANGALURU-575018
REPRESENTED BY ITS PRINCIPAL, DR PRABHUKIRAN
ESJ S/O ISALAH, AGED 53 YEARS.

4. ALVA'S HOMOEOPATHIC MEDICAL COLLEGE AND HOSPITAL MOODABIDIRE-574225, D K DISTRICT, REPRESENTED BY ITS PRINCIPAL DR HERALD ROSHAN PINTO, S/O WILLIAM PINTO, AGED 50 YEARS.

5. ROSY ROYAL HOMOEOPATHIC MEDICAL COLLEGE AND HOSPITAL NELAMANGALA, BENGALURU RURAL DISTRICT-562162
EPRESENTED BY ITS PRINCIPAL DR SYED SADIQ AHMED
S/O SYED BASHIR AHMED, AGED 61 YEARS.

6. BHAGAWAN BUDHA HOMOEOPATHIC MEDICAL COLLEGE AND HOSPITAL, MALLATHALLI, BENGALURU-560056
REPRESENTED BY ITS PRINCIPAL DR SEBASTIAN PRABHAKAR S/O DORAI RAJ, AGED 57 YEARS

BY SRL. SURAJ NAIK ADV.,
V/s

RESPONDENTS:

1. NATIONAL COMMISSION FOR HOMOEOPATHY
NO.61-65 OPP D BLOCK, INSTITUTIONAL AREA
JANAKPURI, NEW DELHI-110058
REPRESENTED BY ITS SECRETARY



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2. UNION OF INDIA
MINISTRY OF AYUSH
AYUSH BHAWAN B BLOCK
GPO COMPLEX, INA NEW DELHI-110023
REPRESENTED BY ITS SECRETARY

3. STATE OF KARNATAKA
HEALTH AND FAMILY WELFARE DEPARTMENT
VIKASA SOUDHA, BENGALURU-560001
REPRESENTED BY ITS PRINCIPAL SECRETARY

4. DEPARTMENT OF AYUSH
GOVERNMENT OF KARNATAKA
DHANWANTARI ROAD, GANDHINAGAR
BENGALURU-560009
REPRESENTED BY ITS COMMISSIONER

5. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES
KARNATAKA, 4TH T BLOCK, JAYANAGAR
BENGALURU-560041, REPRESENTED BY ITS REGISTRAR

6. KARNATAKA EXAMINATIONS AUTHORITY
18TH CROSS, SAMPIGE ROAD, MALLESWARAM
BENGALURU-560012
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

MR. SUNIL NARULA ADV FOR R1,
MR. JAYAKARA SHETTY CGC FOR R2,
MR. BHOJEGOWDA G. KOLLER AGA FOR R3 AND R4,
SMT. FARAH FATHIMA ADV FOR R5,
MR. N.K. RAMESH ADV FOR R6,

Whereas, a Writ Petition filed by the above named petitioner under Article 226 & 227 of the constitution of India, has been registered by this Court.

After hearing, the Court made the following:

(COPY OF THE ORDER DATED 07.02.2022 IS ENCLOSED SEPARATELY)



WP NO. 1261/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
[KARNATAKA PRIVATE HOMOEOPATHIC MEDICAL COLLEGES
MANAGEMENTS ASSOCIATION AND OTHERS VS. NATIONAL
COMMISSION FOR HOMOEOPATHY AND OTHERS]

AAJ & MGSKJ:
07.02.2022
(VIDEO CONFERENCING)

ORDER

Mr.Madhusudhan R.Naik, learned Senior counsel for the petitioners.

Mr.Sunil Narula, learned counsel for the respondent No.1.

Mr.Jayakara Shetty, learned Central Government counsel for the respondent No.2.

Mr.Bhojgowda G.Koller, learned Additional Government Advocate for the respondent Nos.3 and 4.

Mr.N.K.Ramesh, learned counsel for the respondent No.6.

Heard on the question of interim relief.

Issue notice to the respondent No.5.

Learned Senior counsel for the petitioners submitted that in exercise of powers under Section 14(2) read with Section 26 of the National Commission for Homeopathy Act, 2020 (hereinafter referred to as 'the Act' for short), the regulations have not been framed. Therefore, it is further submitted that the regulations under the old Act namely Homeopathy Central Council Act, 1973 applies to the fact situation of the case in view of Section 59(2) of the Act. It is also submitted that on previous occasions, various Division Benches of this Court had passed interim orders on 11.10.2018 in W.P.No.41486-534/2018 as well as 20.09.2019 in W.P.No.41486-534/2018 and on 25.02.2021 in W.P.No.100650/2021. It is also pointed

