

G.D. Memorial Homoeopathic Medical ... vs Union Of India & Ors on 31 May, 2023

Author: Satish Chandra Sharma

Bench: Chief Justice, Subramonium Prasad

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 5720/2022
G.D. MEMORIAL HOMOEOPATHIC MEDICAL COLLEGE
HOSPITAL P

Through:

UNION OF INDIA & ORS.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

% 31.05.2023

1. This application has been filed by the Petitioner seeking modification of the Order dated 20.04.2023.

2. The present Petition was filed by the Petitioner challenging the vires of Section 14 of the National Commission for Homoeopathy Act, 2020 (hereinafter referred to as 'the 2020 Act') and the Information Bulletin NEET UG 2021.

3. It is contended that the Writ Petition was listed along with a batch of This is a digitally signed order.

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Writ Petitions having same/similar prayers and this Court while hearing the matters had segregated all the cases into three categories, namely:

I. Matters which related to admissions in UG programme, in which interim orders were passed and admissions have been granted to students for academic year 2021-22 pursuant to the said interim order.

II. Matters which related to admissions in PG programme, in which interim orders were passed and admissions have been granted to students for academic year 2021-22 pursuant to the said interim order.

III. Matters related to admissions in Academic Sessions 2022-23, which were withdrawn in view of the fact that the last date of admission in those matters was already over.

4. It is stated that the present Writ Petition pertained to the first category of matters, i.e. matters related to admissions in UG programme, which were disposed of by this Court vide Order dated 20.04.2022 wherein this Court had passed a consent Order directing that those students who have appeared in the NEET Examination and were admitted in Homeopathy course by virtue of interim order passed by this Court should be permitted to continue with their course even if they have not obtained the minimum qualifying marks in the NEET Examination and the Universities to which the institutions running Homeopathy courses are affiliated to are directed to permit the students to sit in the examination and complete their course. It was further directed that those students who have not taken the NEET Examination but were permitted to secure admission pursuant to the interim order of this Court were granted liberty to approach the Apex Court by filing appropriate applications in the matters pending before the Apex Court This is a digitally signed order.

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5. In the present application, it has been informed that inadvertently the present Writ Petition which pertains to the first category of matters, i.e. matters related to admissions in UG programme for academic year 2021-22, was clubbed with the third category of matters, which pertained to admissions in Academic Sessions 2022-23, and was disposed of as withdrawn. It is, therefore, prayed that the Order dated 20.04.2023 be corrected accordingly.

6. In view of the above, this Court is inclined to modify the Order dated 20.04.2023 to the extent that the students who have appeared in the NEET Examination and were admitted in Homeopathy course by virtue of interim order passed by this Court should be permitted to continue with their course even if they have not obtained the minimum qualifying marks in the NEET Examination and the Universities to which the institutions running Homeopathy courses are affiliated to are directed to permit the students to sit in the examination and complete their course.

7. The Order stands corrected accordingly.

8. There is no objection from the other side.

9. The application is disposed of.

SATISH CHANDRA SHARMA, CJ SUBRAMONIUM PRASAD, J MAY 31, 2023 Rahul This is a digitally signed order.

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