

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NOs: 12209 and 12392 OF 2022

WRIT PETITION NO: 12209 OF 2022

Between:

1. Devs Medical and Educational Society, A registered society under the provisions of Societies Registration Act 2001, having its office Plot No. 100, ECIL Post, Hyderabad- 500 062 Being Represented by its President Mr. N. Satyadev.
2. Devs Homeopathic Medical College and Hospital, Deva Nagar, Ankireddypalli, Keesara Mandal, Medchal District, Hyderabad being represented by Its Correspondent Dr. N. Satyadev
3. Dr. N. Satyadev, S/o Tattaih Naidu, Aged about 69 years, Occ. Medical Doctor Plot No. 22, Anupuram, Kapra, Hyderabad.

...PETITIONERS

AND

1. National Commission for Homeopathy, No. 61-65, Opp. D Block, Anusandhan Bhawan Institutional Area, Janakpuri, New Delhi-110 058 Rep. by its Secretary.
2. Kaloji Narayan Rao University of Health Sciences, Warangal, Rep. by its Registrar.
3. State of Telangana, Rep. by its Principal Secretary Health, Medical and Family Welfare Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more in the Nature of Writ of Mandamus declaring the action of the First and Second Respondent in insisting on the cut-off scores in the National Eligibility Entrance Test (NEET) for admission to Bachelor of Homeopathy and Medical Sciences 2021-2022 in the

counselling process conducted by the First and Second Respondent as being arbitrary and illegal and contrary to the mandate, purport and intent of Section 14 and 26 of the National Commission of Homeopathy Act 2020 as well as of the Central Council for Homeopathy Act 1973 and Homeopathy (Degree Course) Regulations 1983 and also as being arbitrary and illegal and contrary to Article 14 of Constitution of India and consequently direct the First to Second Respondent to conduct the counseling process for admission to the Bachelor of Homeopathy and Medical Sciences undergraduate course 2020-2021 without reference to the NEET cut-off scores.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the First and Second Respondent to permit the Petitioner College to admit students in respect of the vacant seats pertaining to the BHMS undergraduate courses for the academic year 2021-2022 in the Second Petitioner College, without reference to the cut-off scores in the NEET examination, pending the present Writ Petition.

**Counsel for the Petitioners: SRI V.HARIHARAN, Sr. COUNSEL, REP. FOR
SRI SRIKANTH HARIHARAN**

**Counsel for the Respondent No.1: M/s. L.PRANATHI REDDY, REP. FOR
SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent No.2: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

**Counsel for the Respondent No.3: SRI TANDRA RAMESH,
AGP FOR HEALTH, MEDICAL & FAM WEL**

WRIT PETITION NO: 12392 OF 2022

Between:

1. Shreyaan-Ishaan Educational Society, A registered society under the provisions of Societies Registration Act 2001, having its office At 1-5-880, Near Jain Mandir, Maruti Nagar, Kothapet, Hyderabad- 500 035 represented by its General Secretary Dr. Umesh Akkaladevi
2. Hamsa Homeopathy Medical College, Ksheerasagar, Mulugu Mandal, Medak District represented by its Director Dr. Umesh Akkaladevi

3. Dr. Umesh Akkaladevi, S/o Balaram, Aged about 47 years, Occ- Medical Doctor R/o 203, Mayfair Residency, Ishaq Colony, Picket, Secunderabad

...PETITIONERS

AND

1. National Commission for Homeopathy, No. 61-65, Opp. D Block, Anusandhan Bhawan, Institutional Area, Janakpuri, New Delhi-110 058 Rep. by its Secretary
2. Kaloji Narayan Rao University of Health Sciences, Warangal rep. by its Registrar
3. State of Telangana, rep. by its Principal Secretary Health, Medical and Family Welfare Department, Secretariat, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more in the Nature of Writ of Mandamus declaring the action of the First and Second Respondent in insisting on the cut-off scores in the National Eligibility Entrance Test (NEET) for admission to Bachelor of Homeopathy and Medical Sciences 2021-2022 in the counselling process conducted by the First and Second Respondent as being arbitrary and illegal and contrary to the mandate, purport and intent of Section 14 and 26 of the National Commission of Homeopathy Act 2020 as well as of the Central Council for Homeopathy Act 1973 and Homeopathy (Degree Course) Regulations 1983 and also as being arbitrary and illegal and contrary to Article 14 of Constitution of India and consequently direct the First to Second Respondent to conduct the counseling process for admission to the Bachelor of Homeopathy and Medical Sciences undergraduate course 2020-2021 without reference to the NEET cut-off scores.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the First and Second Respondent to permit the Petitioner College to admit students in respect of the vacant seats pertaining to the BHMS undergraduate courses for the academic year 2021-2022 in the Second Petitioner College,

without reference to the cut-off scores in the NEET examination pending disposal of the writ petition.

**Counsel for the Petitioners: SRI V.HARIHARAN, Sr. COUNSEL, REP. FOR
SRI SRIKANTH HARIHARAN**

**Counsel for the Respondent No.1: M/s. L.PRANATHI REDDY, REP. FOR
SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent No.2: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

**Counsel for the Respondent No.3: SRI TANDRA RAMESH,
AGP FOR HEALTH, MEDICAL & FAM WEL**

The Court made the following: COMMON ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT PETITION Nos. 12209 and 12392 of 2022

COMMON ORDER: (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. V. Hariharan, learned Senior Counsel represents
Mr. Srikanth Hariharan, learned counsel for the petitioners.

Ms. L. Pranathi Reddy, learned counsel appears for
Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of
India appears for respondent No.1.

Mr. A. Prabhakar Rao, learned Standing Counsel for
Kaloji Narayana Rao University of Health Sciences appears
for respondent No.2.

Mr. Tandra Ramesh, learned Assistant Government
Pleader for Health, Medical & Family Welfare appears for
respondent No.3.

2. In these Writ Petitions, the petitioners seek for issuing a
direction to respondent Nos.1 and 2 to conduct the counselling
process for admission to the Bachelor of Homeopathy and

Medical Sciences Under Graduate course for the academic year 2020-21 without reference to NEET cut-off scores.

3. A Bench of this Court by an interim order dated 01.04.2022 had granted the interim relief to the petitioners as prayed for.

4. In view of aforesaid interim order as well as the fact that the academic year 2020-21 is over, no further orders are required to be passed in the Writ Petitions.

5. Accordingly, the Writ Petitions are disposed of. However, the issue involved in the Writ Petitions is kept open to be agitated in an appropriate proceeding.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Secretary, National Commission for Homeopathy, No. 61-65, Opp. D Block, Anusandhan Bhawan Institutional Area, Janakpuri, New Delhi-110 058.
2. The Registrar Kaloji Narayan Rao University of Health Sciences, Warangal.
3. The Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Hyderabad, State of Telangana.
4. One CC to SRI SRIKANTH HARIHARAN, Advocate [OPUC]
5. One CC to SRI A.PRABHAKAR RAO, SC FOR KNRUHS [OPUC]
6. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
7. Two CCs to GP FOR HEALTH, MEDICAL & FAM WEL, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

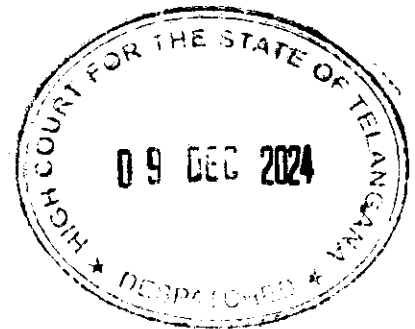
BSR *Kg*

HIGH COURT

DATED: 25/10/2024

COMMON ORDER

WP.Nos.12209 and 12392 of 2022



**DISPOSING OF BOTH THE WRIT PETITIONS,
WITHOUT COSTS**

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22/11/24