



District : Hooghly.

In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

W.P. No. 9438 (W) of 2014 ;

In the matter of :

An application under Article 226
of the Constitution of India for the
issuance of a writ of Mandamus or any
other writ or writs as this Hon'ble
Court may deem fit and proper ;

And

In the matter of :

A Public Interest Litigation ;

And

In the matter of :

Article 14, 16, 19 & 21 of the
Constitution of India ;

And



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Through Xerox Party
Copy Section
Court A.S., Calcutta



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In the matter of :

Failure or refusal on the part
Ministry of Health, Government of
India to the other institutions estab-
lished for the same Electro Homeopathy
practice of Medicine and Education as
like as the Respondent No.2 :

And

In the matter of :

Respondent No.1 violated the basic
Structure of the Constitution as it
has not considered the reasonable
classification under Article 14
violated the fundamental right to
speak and trade under Article 19,
infringed the right to education under
Article 16 and ultimately infringe-
ment of human liberty under Article
Article 21 of the Constitution of
India ;

Contd..P/2A.

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2A.

And

In the matter of :

Impugned order dated 05.05.2010
vide No. V 25011/276/2009-HR dt.
05.05.2010 of the Government of
India, Ministry of Health has no
impact to the common people or other
several Electropathy boards/societies
especially for the boards/practi-
tioners of Electro Homeopathy in West
Bengal ;

And

In the matter of :

International Movement for
Advancement of Education Culture
Social Economic Development Corpo-
rate Office situated at 1/6B, Sahid
Gopi Nath Nagar, (IMACSSED),

Contd..P/3.

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24/5/14

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P.O. Mallickpara, P.S. Serampore,
District-Hooghly, West Bengal-712203,
India.

... Petitioner

-Versus-

1. Union of India, through the Secretary,
Ministry of Health & Family Welfare,
Govt. of India, A-Wing, Nirman Bhawan,
New Delhi-110001.

2. Naturo Electro Homeopathy Medicos of
India in short NEHM of India, C2C/123,
Pocket-12, Janakpuri, New Delhi-110058,
through its Chairman.

... Respondents

To
The Hon'ble Mr. Arun Mishra, Chief Justice and His
Companion Justices of the said Hon'ble Court.

The humble petition of the petitioner
abovenamed ;

Most Respectfully Sheweth :

1. That the petitioner No.1 is a registered NGO in India

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working on various field of Education, Health, Human Rights and other social activities for the general interest of large Public. The registered Office of the organizations in Delhi and its Corporate Office is at West Bengal. Apart, the petitioner organisation has carried out movement against various social issues and National and International issues and hence competent to present this PIL.

2. That the respondent No.1 is Union of India through Health Secretary, Ministry of Health & F.W., responsible for overall functioning of Health & Medical affairs, regulatory and to control any other kind of Medicine, Medical Practice and education all over India.

3. That the respondent No.2 is NEHM of India is working for promotion, development & research of Electro Homeopathy System of Medicine. The practitioners of Respondent No.2 are misguiding the general public and even the Government that they are the only authorised practitioners to practice in electropathy. Respondent

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No.1 has issued an order in favour of the Respondent No.2 vide No. V.25011/276/2009-HR dt. 05.05.2010. In accordance with the order of High Courts and Supreme Court there is no proposal to stop the Respondent No.2 in this case from practicing electropathy or imparting education. ~~Accepy~~

A copy of the said order is being annexed here-

with and marked as Annexure - P_r.

1. Several electropathy organizations are also functioning in this field which are not covered under the ambit of the order dated 05.05.2010 issued by the Respondent No.1 and as such the practitioners of other boards especially in West Bengal are not entitled to practice the system electropathy and thus they have approached the petitioner requesting to file PIL against the order dated 05.05.2010. Therefore the petitioner has no alternate but to file this PIL in this Hon'ble High Court for the benefit of common people. That the respondent

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No.1 vide another notification/order No. C.30011/22/2010-HR dt. 21-06-2011 already sent the order dt. 05.05.2010 to Health Secretaries of all States including UTs stating therein the order dt. 05.05.2010 would be treated as instructions of the Govt. of India related to practice, education and research with regard to Alternative System of Medicine like electropathy/electro homeopathy.

A copy of the such order is being annexed herewith as Annexure P/2 to this petition.

4. That the PIL has been filed for general benefit of public at large as the petition brings out the general cause regarding the pride and honour of our nation India and is intended to restrain certain unqualified Medical Practitioners in Electro Homeopathy System of Medicine. But at the same time when the respondent No.1 issued any policy decision dt. 05.05.2010 which should be covered for all the practitioners/Boards engaged in the same medical system, instead it has been issued only for the respondent No.2. Due to these wrong policy of the respondent No.1 which favours only the respondent No. 2 and the

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other Electro Homeopathy practitioners/Boards may be affected by this order. Some of the practitioners in the State of West Bengal approached the petitioner requesting that they are also the electropath practitioner of other boards/society and by the said order a large no. of people in the Country may be affected. The present PIL is confined only to the issues of general public interests especially for the practitioners of West Bengal and the petitioner has no personal interest in the cause.

5. That the petitioner is a social awareness organization and competent to espouse the cause in the present PIL. That if the present petition is ignored, may result in bringing the loss of human dignity and personal freedom to provide education, research and facility for practice in the same medicine by a large number of public, Institutions or Boards. It will concentrate only in one authority or educational society which is the infringement of fundamental rights under our holy constitution. And it is most respectfully prayed if any appropriate action is

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not taken to stop the operation of the order dated 05.05.2010 issued by the Respondent No.1, it may result in an ugly situation and hence present petition has been filed to maintain the dignity and prestige of the medical system and ultimately to restrain the electropathy organizations/societies to issue degree/diploma which has not even authorized by the Govt. of India or State Govt. and for the ultimate benefit of the patients who are in urgent need of proper medical treatment or consultation.

6. Being aggrieved by and dissatisfied with the Judgement and Order passed by the Respondent No.1, your petitioner beg to move this application amongst other :

G R O U N D S

- I) For that the impugned order No. V 25011/276/2009-HR dt. 05.05.2010 of the Govt. of India, Ministry of Health has no impact to the common people or other several electropathy boards/societies ;
- II) For that the impugned order of the Respondent No.1 could not reflect the other several boards/society

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to come under the ambit of the order dated 05.05.2010. Also it failed to make any guideline for practical aspect of medical system. Only theoretical system is not a complete system of treatment in most cases required instrumental treatment like in other methods :

7. That the petitioner craves leave of this Hon'ble Court to add, alter or amend any of the above grounds and to file additional affidavit at a later stage if so advised.

8. That no other petition seeking the same relief has been moved or pending before this Hon'ble Court or any other Court including Supreme Court of India. The present writ petition is bonafide and made in the interest of justice.

In the facts and circumstances of the case, as mentioned above, it is therefore humbly prayed this Hon'ble Court may graciously be pleased to :

a) Pass an order directing the

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respondent No.1 to issue a writ of
Mandamus or any other appropriate
writ or writs as this Hon'ble Court
may seem fit and proper ;

b) Restrain the operation of policy
decision/order dated 05.05.2010
issued by the respondent in 1 in
favour of the Respondent No.2 to
carry on Electropathy education and
practice or to amend the said order
and/or ;

c) To pass any other order or orders
this this Hon'ble Court may deem
fit and proper ;

And your petitioner as in duty bound shall ever pray.

International Movement for Advancement of Education
Culture, Social & Economic Development Corporation by the
By the pen of

Sanyal Kumar Sanyal Sanyal Kumar Sanyal
Chairman

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10.

AFFIDAVIT

I, Shri Samir Kumar Das, son of Late Rameswar Chandra Das, aged about 62 years, by caste - Hindu, by occupation - Social Service, residing at 1/68, Sahid Gopinath Nagar, P.O. Mallickpara, P.S. Serampore, Dist. Hooghly, West Bengal, India, Pin-712203, do hereby solemnly affirm and say as follows :-

1. That I am the Chairman of the Petitioner NGO and representing the petitioner and I am well acquainted with the facts and circumstances of the Writ/PIL and I am ~~walk~~ authorized to swear this affidavit on behalf of the petitioner.

f*

2. That the statements made in paragraphs 1 to 6 are true to my knowledge and rest are my humble submissions before this Hon'ble Court.

Prepared by me.

Samir Kumar Das
Samir K Das

Petitioner-in-person.

Samir Kumar Das
Samir K Das

Deponent is known to me.

Jayalal Vohra
Clerk to Mr. S. Baschewsky
Advocate

Solemnly affirmed before me

on this the 20th day of March, 2014.

Commissioner.

Commissioner of Affidavit
High Court, Appellate Side
Calcutta

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Noting by Office or Advocates	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
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25.03.2014
Sl. No. 1
ad/sd

W.P 9438(W) of 2014

International Movement for Advancement
Of Education Culture Social Economic Development
Vs.
Union of India & Anr.

Mr. Samir Kumar DasFor the petitioner (In person

Mr. Rajarshi Bharadwaj For the U.O.I

False averments have been made in the petition by the petitioner even otherwise the petition cannot be said to be maintainable.

We deprecate the conduct of the petitioner in filing of such a petition based on false averments. However, the petitioner has prayed for withdrawal of the petition.

Accordingly, the writ petition is dismissed as withdrawn with cost of Rs.2,500/- to be paid by the petitioner to the Legal Aid Services Authority, High Court, Calcutta, within a period of one month from date.

Sdf. J. Bagchi, J.
(Joymalya Bagchi J.)

Sdf. A. Mishra,
(Arun Mishra, C.J)

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29.04.14

M-12617

1. Date of application for Certified Xerox Copy 23.03.14
2. Date of entering the charges 25.04.14
3. Date of making charges in Court fee 25.04.14
4. Date of making Certified Xerox Copy 29.04.14
5. Date of making over the Certified Xerox Copy of the application

Certified to be a true Copy

Debasish Dasgupta 4/14

Assistant Registrar/Section Officer
High Court, Appellate Side Calcutta
Authorized Under Section 76 of the
Indian Evidence Act, 1872
(Act 1 of 1872)



ITEM NO.23

COURT NO.1

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C)No..... of 2016
CC No(s). 16289/2016

(Arising out of impugned final judgment and order dated 25/03/2014
in WP No. 9438/2014 passed by the High Court Of Calcutta)

IMAECSED THR. CHAIRMAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ANR.

Respondent(s)

(With appln. (s) for c/delay in filing SLP)

Date : 14/09/2016 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Pratham Kant,Adv.
Mr. Umang Shankar,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard.

There is inordinate delay of 771 days in the filing of
this special leave petition for which no worthwhile explanation
is forthcoming from the application seeking condonation of
delay.

The special leave petition is dismissed on merit and also
on limitation.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER