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**R.N.R.**

*Before Surya Kant, J.*

**DR. PARAMJEET SINGH RANU,—Petitioner**

*versus*

**UNION OF INDIA AND OTHERS,—Respondents**

**C.W.P. No. 11261 of 2009**

9th September, 2010

*Constitution of India, 1950—Art. 226—Homoeopathic Central Council Act, 1973—S.3—Central Council Homoeopathy (General) Regulations, 1973—Reg. 36—A member of Central Council Homoeopathy submitting resignation in protest to Secretary of Central Council—Clause 36 of 1973 Regulations requires to address resignation to President of Central Council and resignation shall be effective only after confirmation from Member Council—Petitioner neither addressing his resignation to President nor sending*

~~copy to President—No confirmation taken from petitioner—  
Petitioner withdrawing resignation before its acceptance by Central  
Council—Petition allowed, acceptance of resignation held to be  
contrary to Regulations.~~

~~Held, that the petitioner was required to address his resignation to  
the President of the Central Council of Homoeopathy. Admittedly, the  
petitioner did not address his resignation to the President of the Central  
Council nor he ever sent its copy to the President. Similarly, the President  
of the Central Council could have accepted the petitioner's alleged  
resignation only "after confirmation from the member concerned" namely,  
the petitioner. Concededly, no such confirmation had taken place. Both the  
conditions contained in Clause 36 of the 1973 Regulations were, thus, not  
complied with. The "acceptance" of the petitioner's resignation by the  
Central Council in its meeting stated to have been held on 19th August,  
2008 is further liable to be overlooked for the reason that much before  
holding of the said meeting, the petitioner had already withdrawn his  
'resignation' vide letter dated 7th August, 2008 which was also addressed  
to the same authority to whom he had sent his resignation, under protest.~~

(Paras 15 & 16)  
R.V.R.

~~Further held, that the fact that the petitioner withdrew his so-  
called 'resignation' vide letter dated 7th August, 2008 has been duly  
acknowledged by the Central Government vide its memo dated 5th  
September, 2008. There was indeed no validly-tendered 'resignation' on  
record which could be considered or accepted by the Central Council in  
its meeting held on 19th August, 2008.~~

C.W.P. No. 11201 of 2008 (Para 17)

Sanjeev Sharma & Sandeep Khunger, Advocates, for  
the petitioner.

Ms. Geeta Singhwal, CGSC, for respondents No. 7 & 8.

D.S. Sandhu, Advocate, for respondents No. 2 to 5.

**SURYA KANTU (ORAL)**

(1) The petitioner who is a Homoeopathic Practitioner in the State  
of Punjab seeks quashing of the order dated 19th August, 2008/29th

August, 2008 (Annexure P-12) passed by the Executive Committee of the Central Council of Homoeopathy, whereby his alleged resignation as selected Member of the Central Council of Homoeopathy, has been accepted.

(2) The petitioner successfully contested the election for the post of Member of the Central Council of Homoeopathy from the State of Punjab held in July, 2005 and he officially assumed the said office vide Notification dated 24th January, 2006.

(3) The Central Council of Homoeopathy is a statutory body constituted under Section 3 of the Homoeopathic Central Council Act, 1973 (in short, the Act) which reads as follows: "CHAPTER II THE CENTRAL COUNCIL AND ITS COMMITTEES"

3. Constitution of Central Council

(1) The Central Government shall, by notification, in the Official Gazette, constitute for the purposes of this Act a Central Council consisting of the following members, namely:

(a) such number of members not exceeding five as may be determined by the Central Government in accordance with the provisions of the First Schedule from each State in which a State Register of Homoeopathy is maintained, to be elected from amongst themselves by persons enrolled on that register as practitioners of Homoeopathy;

(b) one member from each University to be elected from amongst themselves by the members of the Faculty or Department (by whatever name called) of Homoeopathy of that University.

Provided that.....

(2) The President and the Vice-President of the Central Council shall be elected by the members of the Central Council from amongst themselves in such manner as may be prescribed:

Provided that for two years from the first constitution of the Central Council, the President and the Vice-President shall be nominated by the Central Government from amongst the members of the Central Council and the President and the Vice-President so nominated shall, notwithstanding anything contained in sub-section (1) of section 7, hold office during the pleasure of the Central Government.”

*(Emphasis applied)*

(4) The election of the Members of the Central Council are required to be conducted by the Central Government in terms of Section 4 of the Act and once notified, the Central Council becomes a body corporate by the name of “Central Council of Homoeopathy”. Section 33 of the Act empowers the Central Council to make and notify Regulations with previous sanction of the Central Government to carry out the purposes of the Act and these Regulations may provide the manner of election of the President and Vice President as well as “resignation of the Members of the Central Council”.

(5) In exercise of its afore-stated powers, the Central Council has framed the Central Council Homoeopathy (General) Regulations, 1973 (in short, ‘the Regulations’) which are duly notified in the Government of India Gazette. Part-V of these Regulations deals with the “Resignation and Filling of Casual Vacancies” in the Central Council and Clause 36 thereof reads as follows :-

xxx    xxx    xxx    xxx    xxx  
xxx    xxx    xxx    xxx    xxx

“36. *A member desiring to resign his seat on the Council shall send his resignation in writing to the President and his resignation shall take effect from the date specified by him in this behalf or from the date of receipt of his letter by the President whichever is later, after confirmation from the member concerned.*”

*(Emphasis applied)*

xxx    xxx    xxx    xxx    xxx  
xxx    xxx    xxx    xxx    xxx

(6) It goes without saying, from a plain reading of the above-reproduced provision, that an elected Member of the Central Council, if so wishes, may resign from his seat by sending his resignation to the President of the Central Council which shall take effect from the date specified by him or from the date of receipt of his resignation letter by the President, whichever is later. The provision further mandates that the resignation shall be effective only "*after confirmation from the Member concerned*".

(7) It appears that the petitioner could not maintain cordial working rapport with the President and other Office-bearers of the Central Council to whom he has impleaded as party respondents also. On 21st June, 2008 (Annexure P-8) the petitioner sent his "*resignation from the post of Member of Central Council of Homoeopathy...xx...xx...in Protest*" to the Secretary, Department of Indian System of Medicine and Homoeopathy, Ministry of Health and Family Welfare, Union of India with the following concluding remarks :-

xxx    xxx    xxx    xxx    xxx  
xxx    xxx    xxx    xxx    xxx

*"I am rendering my resignation from the post of the Member of Central Council of Homoeopathy as I do not want to be a part and parcel of such a corrupt body as I cannot hurt the sentiments of my voters (Practitioners of Punjab State) who have elected me by showing faith in my work and integrity to represent my State and to fight for the cause of the Homoeopathic Science in this apex academic body of the Country in Homoeopathy.*

*Kindly my resignation may please be accepted so that I may feel mentally and morally free from the burden of this responsible post which is of no use as the System in the Country has collapsed due to corruption under the UPA Government."*

xxx    xxx    xxx    xxx    xxx  
xxx    xxx    xxx    xxx    xxx

(8) The petitioner also sent copies of the resignation-cum-protest letter to various dignitaries including the President and Prime Minister of India. But no copy was officially forwarded to the President of the Central Council.

(9) Meanwhile, the petitioner sent another letter, dated 7th August, 2008, (Annexure P-10), again addressed to the Secretary, Department of Indian System of Medicine and Homoeopathy, Ministry of Health and Family Welfare, Union of India only for the "Withdrawal of complaint/representation dated 21st June, 2008".

(10) It may be mentioned at this stage that the Ministry of Health and Family Welfare, Union of India forwarded the petitioner's resignation-cum-protest letter dated 21st June, 2008 to the President of the Central Council on 20th August, 2008 (Annexure P-13).

(11) The Central Council thereafter addressed the impugned order-cum-communication dated 29th August, 2008 (Annexure P-12) to the petitioner, which reads as follows :-

**"Subject : Resignation from the post of Member of CCH by  
an elected Member in protest.**

Sir,

I am rendering my resignation from the post of the Member of the Executive Committee of the Council of Homoeopathy, India. I do not want to be a part of the Council of Homoeopathy, India. I cannot but the

The letter dated 21st June, 2008 of Dr. Paramjeet Singh Ranu as well as the News Item published in the News Paper from Chandigarh regarding resignation of Dr. Paramjeet Singh Ranu. The Executive Committee considered the matter and accepted the resignation of Dr. Paramjeet Singh Ranu with immediate effect. It may be informed to the concerned Member and to Central Government.

As such you are advised not to attend the meeting of the Central Council of Homoeopathy fixed in September, 2008 or in the near future because of acceptance of your resignation you do not continue as a member of this Council with effect from the date of issue of the letter."

(12) The Central Government meanwhile vide letter dated 5th September 2008 (Annexure P-11) responded to the petitioner's subsequent communication dated 7th August, 2008 (Annexure P-10) and informed him that:

**"Subject: Withdrawal of resignation from Membership of CCH**

(11) It is also intriguing that while the Central Government had forwarded the petitioner's resignation to the President of the Central Council of Homoeopathy, *Reference to your letter dated 7th August, 2008 on the above mentioned subject, I am directed to request you to make further correspondence in this regard with President, Central Council of Homoeopathy.*

(13) Since the Central Council had already accepted the petitioner's resignation vide the impugned memo dated 29th August, 2008 (Annexure P-12), the petitioner's subsequent legal notices/representations did not find favour with the Central Council.

(14) The solitary question that arises for consideration is as to whether the petitioner had validly resigned from the Membership of the Central Council and as to whether his resignation was rightly accepted by the Central Council?

(15) As may be seen from the plain and unambiguous language of the statutory Regulations, the petitioner was required to address his resignation to the President of the Central Council of Homoeopathy. Admittedly, the petitioner did not address his resignation to the President of the Central Council nor he ever sent its copy to the President. Similarly, the President of the Central Council could have accepted the petitioner's alleged resignation only after confirmation from the member concerned, namely the petitioner. Concededly, no such confirmation had taken place in the present case. Both the conditions contained in Clause 36 of the 1973 Regulations were, thus, not complied with.

(16) The acceptance of the petitioner's resignation by the Central Council in its meeting stated to have been held on 19th August, 2008 is further liable to be overlooked for the reason that much before holding of the said meeting, the petitioner had already withdrawn his 'resignation' vide letter dated 7th August, 2008 (Annexure P-10) which was also addressed to the same authority to whom he had sent his resignation under protest.

(17) The fact that the petitioner withdrew his so-called 'resignation' *vide* letter dated 7th August, 2008 has been duly acknowledged by the Central Government *vide* its memo dated 5th September, 2008 (Annexure P-11). There was indeed no validly-tendered 'resignation' on record which could be considered or accepted by the Central Council in its meeting held on 19th August, 2008.

(18) It is also intriguing that while the Central Government had forwarded the petitioner's resignation to the President of the Central Council of Homoeopathy *vide* memo dated 20th August, 2008 (Annexure P-13) but the Executive Committee of the Central Council accepted the same well in advance on 19th August, 2008.

(19) In all fairness, it may be noticed here that as per the reply/affidavits filed by respondents No. 3 to 5, a copy of the resignation-cum-protest letter dated 21st June, 2008 addressed to the Secretary, Department of Indian System of Medicine and Homoeopathy, Ministry of Health and Family Welfare, Union of India was 'received' in the office of Central Council *vide* receipt diary No. 2914 dated 10th July, 2008 and was, therefore, rightly accepted by the Executive Committee in its meeting held on 19th August, 2008. The contention, however, does not cut much ice. Suffice it to say that even without giving into the 'mystery' as to how the said copy became available in the office of Central Council, the President of the Executive Committee could still not accept the resignation without meeting the requirements of Clause 36 of the 1973 Regulations.

(20) Since the alleged resignation of the petitioner has been held to have been improperly accepted, contrary to the Regulations governing such affairs, the plea of *mala fide* raised by the petitioner against respondents No. 3 to 6 need not be gone into by this Court.

(21) For the reasons afore-stated, the writ petition is allowed; the impugned order dated 19th August, 2008/29th August, 2008 (Annexure P-12) is hereby quashed and it is held that the petitioner continues to be a validly elected Member of the Central Council of Homoeopathy till the expiry of his term as per the Act and Regulations.

(22) Ordered accordingly.

(23) Dasti.