



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.12509 OF 2018
WITH
CIVIL APPLICATION NO.5526 OF 2025**

Shri DhaneshwarisManav Vikas Mandal's
Sou. Shantadevi Vedprakash Patil Ayurved,
College and Research Institute,
Having address at Gat No.421, Hatta,
Tal. - Basmati, Dist. Hingoli,
Through its Principal
Dr. Manikrao Kalkarni, Age: 43

... Petitioner

VERSUS

1. Union of India
Through Its Ministry of Ayurveda,
Yoga & Naturopathy, Unani, Siddha,
And Homeopathy [AYUSH],
AyushBhavan, B" Block,
GPO Complex, INA,
New Delhi - 110023

2. Central Council of Indian Medicine,
A statutory body, constituted under,
Section 3 of the Indian Medicine Central,
Council Act 1970 having its office at 61-65,
Institutional Area, Opposite D – Block,
Janakpuri, New Delhi – 110058

3. State Common Entrance Test Cell,
Maharashtra State Mumbai,
Through its Commissioner.

4. The Directorate of Medical Education,
and Research, Mumbai.

5. Maharashtra University of Health,
Science, Nashik through its Registrar.
[Leave to add as per courts order dated 17.06.25]

... Respondents

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Appearance :

Mr. D. S. Bagul, Advocate for the Petitioner.
 Mr. S. S. Deve, Advocate for Respondent Nos.1 and 2.
 Mr. M. D. Narwadkar, Advocate for Respondent No.3.
 Mr. S. B. Narwade, Advocate for Respondent No.4.
 Mr. Sanjay Bhosale, Advocate for Respondent No.5.

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**CORAM : S. G. CHAPALGAONKAR &
 NEERAJ P. DHOTE, JJ.**

Reserved on : 25.06.2025

Pronounced on : 04.07.2025

FINAL ORDER : [PER NEERAJ P. DHOTE]

1. Heard finally by consent of both the sides. Perused the papers on record.

2. By this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner, which is an Unaided Private Medical College and Research Institute, has challenged the Order dated 25/09/2018, passed by Respondent No.1 – Government of India in Ministry of Ayurveda, Yoga & Naturopathy, Unani, Sidda and Homeopathy [AYUSH], denying the permission to the Petitioner's Institution to admit the Students in Bachelor of Ayurvedic Medicine and Surgery [BAMS-UG] course with 50 seats for the Academic Session 2018-2019 on the ground of shortcomings and deficiencies in the Petitioner's Institution.

3. From the year 2014 till 2017-2018, the Petitioner's Institution was granted the permission to admit the 50 students for the above-referred course by Respondent No.1 on the recommendation of Respondent No.2 – Central Council of Indian Medicine [CCIM]. The permission was granted on yearly basis. No deficiencies were pointed out to the Petitioner's Institution by Respondent No.2 – CCIM. For the Academic Session 2018-2019, Respondent No.2 – CCIM conducted regular inspection on 05/02/2018 and did not point out any deficiency. On the direction of Respondent No.1, Respondent No.2 - CCIM revisited the Petitioner's Institution on 1st and 2nd May, 2018. The report of inspection was not made available to the Petitioner's Institution. By the notice dated 09/08/2018, Respondent No.1 issued show-cause to the Petitioner's Institution as to why the action should not be taken against it. The representatives of the Petitioner's Institution appeared before the Committee of Respondent No.1 for hearing on 20/08/2018 and made their submissions. Thereafter, the impugned order came to be passed.

4. When the Petition came up for hearing before the Court on 04/11/2018, by a detailed order, ad-interim relief in terms of 'E' came to be passed. The prayer - 'E' reads as under :

“(E) Pending the hearing and final disposal of the present writ petition, the respondents be directed to permit the petitioner to admit the students through Centralise Admission Process for the academic year 2018-19”

5. At the time of hearing, the learned Advocate for the Petitioner tendered across the bar a Tabular Chart with dates and events, which is enclosed herewith as :-

DATES AND EVENTS

DATES	EVENTUALITIES
2014	The petitioner is a private, unaided medical college and hospital, which is established with an object to impart technical and medical education to the people spread in Rural and Urban Area of Maharashtra. The Union of India i.e. the Ministry of AYUSH in the year 2014 permitted the petitioner College to admit 50 students to undergraduate BAMS Course.
2014	The Maharashtra University of Health Science, Nashik granted First time affiliation in favor of petitioner college.
2014-15 TO 2017-18 Pg@49-50	The record shows that right from 2014 to 2017-18, the Union of India (AYUSH) on the recommendation of CCIM granted necessary permission in favour of petitioner College to admit the students to undergraduate BAMS Course.
2014-15 to 2017-18	The Maharashtra University of Health Science, Nashik every year i.e from 2014-15 to 2017-18 granted continuation and extension of affiliation
05.02.2018	First inspection for Academic Year 2018-19 conducted by CCIM. No deficiencies communicated to petitioner.
01 - 02.05.2018	Second inspection directed by AYUSH Ministry, again conducted by CCIM. No deficiencies reported or shared with college.
09.08.2018 Pg@30-32	AYUSH Ministry issues Show Cause Notice (SCN) to petitioner citing 7 deficiencies and directed to appear for hearing on 20 Aug 2018.
20.08.2018 Pg@33-44	College appears before Hearing Committee, submits evidence, documents, and rebuttals refuting all deficiencies. ● Yoga teacher and Biostatistician: Appointed with documents provided. ● Specialist hospital staff: All 10 required part-time specialists were appointed.

	● Central registration system: Functional since 2013. upgraded to web-based in 2018. ● Web based computerized system for registration: college has purchased the software in 2013. however college is maintaining records since 2018 ● College website: Fully functional with real-time updates and faculty data. ● X-Ray/ECG/USG: Functional; MoU for USG with external provider. ● Aadhar-based attendance: System installed; failed only due to CCIM portal issues
11.09.2018 Pg@25-29	Bombay HC grants interim stay on similar AYUSH notice in Writ Petition (L) No. 2894/2018
19.09.2018 & 14.09.2018 Pg@51-57	Despite multiple deficiencies, AYUSH granted conditional LoP: ● On 19.09.2018 to Dr. S.R. Rajasthan Ayurveda University ● On 14.09.2018 Yunus Fazlani Unani medical college ● On Dr. Ved Prakash Patil Ayurvedic college
25.09.2018 Pg@45-48	The Union of India (AYUSH) vide its order refused permission in favour of petitioner and further restrained the petitioner from admitting the students for the academic year 2018-19 Imp:citing 3 deficiencies (1 new not earlier in SCN)
10.08.2018	The Maharashtra University of Health Science, Nashik granted continuation and extension of affiliation for the academic year 2018-19.
04.11.2018	The petitioner approached this Hon'ble High Court by filing Writ Petition No. 12509/2018. The Hon'ble High Court vide its order permitted the petitioner to participate in the CAP and further permitted the petitioner to admit the students through CAP for the academic year 2018-19.
	In pursuant to the interim order passed by this Hon'ble High Court, the petitioner college participated in the Centralised Admission Process. The CET Cell allotted 50 students to the petitioner college and all the said students taken admission to the BAMS Course.

12.03.2019	The Maharashtra University of Health Science, Nashik has also granted eligibility to admissions of the said students.
08.06.2019	The Union of India (AYUSH) on the recommendation of CCIM granted conditional permission in favour of petitioner college for BAMS course for the Academic Year 2019-20 with an intake capacity of 50 students
24.06.2019	The Maharashtra University of Health Science, Nashik granted continuation and extension of affiliation for the academic year 2019-20. Intake capacity 50 students
10.11.2020	The Union of India (AYUSH) on the recommendation of CCIM granted permission in favour of petitioner college for BAMS course for the Academic Year 2020-21 with an intake capacity of 50 students.
NCISM ACT 2020.	In pursuance of the provisions of National Commission for Indian System of Medicine (NCISM) Act 2020 (14 of 2020), the Indian Medicine Central Council (IMCC) Act 1970 (48 of 1970) has been repealed and all the provisions of the National Commission for Indian System of Medicine (NCISM) has been come into force with effect from the 11th day of June 2021. Under the provisions of section 59 (2) of NCISM Act 2020 the Central Government has constituted the Commission and four Autonomous boards on the same day. Medical standards, requirements and other provisions of the IMCC Act 1970 and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements as specified under new act or rules and regulations made thereunder come into force. However, the provisions of concerned regulations which are inconsistent with the provisions of NCISM Act 2020 shall not be applicable.
02.02.2021	The Maharashtra University of Health Science, Nashik granted continuation and extension of affiliation for the academic year 2020-21. Intake capacity 50 students
03.12.2021	The Union of India (AYUSH) on the recommendation of CCIM granted permission in favour of petitioner college for BAMS course for the Academic Year 2021-22. Intake capacity of 50 students.
24.12.2021	The Maharashtra University of Health Science, Nashik granted continuation and extension of affiliation for the academic year 2021-22. Intake capacity 50 students

04.02.2022	The Union of India (AYUSH) on the recommendation of CCIM granted permission in favour of petitioner college for BAMS course for the Academic Year 2021-22 with an increased Intake of 100 Students.
05.04.2022	MUHS granted first Time Affiliation to petitioner/college for the Academic Year 2021-22 for Increase in Intake Capacity from 50 to 100 seats of B.A'M.S. (UG) course subject to approval of Academic Council as per the provision under section (65)2 of MUHS Act 1998
23.11.2022	The Union of India (AYUSH) on the recommendation of CCIM granted permission in favour of petitioner college for BAMS course for the Academic Year 2022-23 with an increased. <u>Intake of 100 Students.</u>
09.01.2023	The Maharashtra University of Health Science, Nashik granted continuation and extension of affiliation for the academic year 2022-23. Intake capacity 100 students
29.07.2023	The Union of India (AYUSH) on the recommendation of CCIM granted permission in favour of petitioner college for BAMS course for the Academic Year 2023-24 with an increased. <u>Intake of 100 Students.</u>
20.12.2023	The Maharashtra University of Health Science, Nashik granted continuation and extension of affiliation for the academic year 2023-24. Intake capacity 100 students
06.07.2024	The Union of India (AYUSH) on the recommendation of CCIM granted permission in favour of petitioner college for BAMS course for the Academic Year 2024-25 with an increased. Intake of 100 Students.
24.07.2024	The Maharashtra University of Health Science, Nashik granted continuation and extension of affiliation for the academic year 2024-25. Intake capacity 100 students
	The Union of India (AYUSH) on the recommendation of CCIM granted permission in favour of petitioner college for BAMS course for the Academic Year 2025-26 with an increased <u>Intake of 100 Students.</u> The National Commission for Indian System of Medicine.

6. By virtue of interim order passed by this Court, the Petitioner Institution admitted 50 Students for the said course and

Competent Authority had granted eligibility to the said Students. The Chart further shows that, Respondent No.1 granted conditional permission in favour of the Petitioner's Institution for admission to 50 Students for the Academic Session 2019–2020 and thereafter, granted similar permission for the Academic Sessions 2020–2021, 2021–2022, 2022–2023, 2023–2024, 2024–2025 and 2025–2026. The permission from Academic Year 2021–2022 till 2025–2026 was granted for an increased intake of 100 students. These aspects are not controverted by the Respondents.

7. A copy of Judgment made available by the learned Advocate for the Petitioner shows that, in a more or less similar factual aspects, this Court allowed the Writ Petition in terms of the interim orders. One such Judgment / Order is dated 17/11/2017 passed in Writ Petition No.11666/2016 in the case of **Kaka Saheb Mhaske Vs. Union of India and Ors.**, which is referred in similar such matters in Writ Petition No.11390/2017 decided on 05/10/2021 and Writ Petition No.11404/2017 decided on 16/06/2022. As Respondent No.1 granted the permission to the Petitioner's Institution to admit the students for subsequent Academic Sessions i.e. 2019–2020 till 2025–2026 and that too with an increased capacity of students from 2021–2022 is an indication that Respondent No.1 waived the deficiencies and shortcomings pointed out in the impugned order. Pursuant to the interim order as referred-above, the students, who were admitted in

the said course for the Academic Session 2018 – 2019, have completed the said course.

8. In view of the above undisputed aspects of the matter, the Writ Petition is allowed in terms of the interim order. The Civil Application filed by the students, who had taken admission from the Academic Year 2018 – 2019 and completed their said course, praying to release their educational documents and degree certificates, is allowed. The Competent Authority shall release the documents in favour of the respective Applicants / Students, in accordance with the regular procedure.

9. Writ Petition as well as Civil Application are disposed off accordingly.

[NEERAJ P. DHOTE, J.]

[S. G. CHAPALGAONKAR, J.]

Sameer