



2025:UHC:11519-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMB/ 1042/ 2025</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Subhash Upadhyay, J.</u> There is no representation for the petitioners. 2. Mr. B.S. Parihar, Additional Chief Standing Counsel for the State of Uttarakhand / respondent no. 1. 3. Mr. Manoj Kumar, Standing Counsel for the Union of India/ respondent no. 3. 4. Mr. Gaurav Nagpal, Advocate, holding brief of Mr. Ramji Srivastava, Advocate for respondent no. 4. 5. Petitioners are students of BAMS Course in Om Ayurvedic Medical College, Haridwar. According to them, they were permitted to take first professional examination of BAMS course conducted by Uttarakhand Ayurveda University in March-April, 2024, pursuant to interim order passed in WPMS No. 205 of 2023. The said interim order is extracted below:- <i>"Rule nisi.</i> <i>There is no need to issue formal notice to the respondents as their counsel have already put their appearance on their behalf and received the copy of the brief (Writ Petition).</i> <i>List this matter on 06.04.2023 along with WPMS No. 3140 of 2019 and WPMS No. 933 of 2021.</i> <i>In the interregnum, it is directed that respondent no. 2 shall provisionally enroll 26 students in B.A.M.S. Course in the petitioner-college for academic session 2021-2022 and to further permit them to give their practical and semester examination.</i> <i>However, this Court further stipulates that on the basis of this order, the petitioner shall not claim equity at the time of final disposal.</i> <i>Let counter affidavit be filed within four weeks.</i> <i>Rejoinder affidavit, if any, be filed within two weeks, thereafter."</i> 6. Perusal of the order dated 13.1.2023, passed in WPMS No. 205 of 2023, reveals that the said writ petition was filed by the concerned



college.

7. Mr. Gaurav Nagpal, Advocate, holding brief of Mr. Ramji Srivastava, Advocate appearing for NCISM submits that WPMS No. 205 of 2023, in which interim order was passed, is still pending. He submits that separate writ petition by the students for seeking a direction to the University to declare the result of Academic Session 2021-22 would not be maintainable when identical issue is being dealt with by coordinate Bench in a writ petition filed by the college. It is contended that the relief, if any, can be sought by the petitioners in the pending writ petition, either by filing an intervention application or otherwise, and no independent writ petition can be instituted for seeking a relief on a issue which is being dealt with by coordinate Bench.

8. This Court finds substance in the said submission.

9. Since petitioners were permitted to appear in the University Examination pursuant to an interim order passed in a writ petition filed by the college, which is still pending, therefore, the students cannot maintain an independent writ petition at this belated stage. Any order passed in this writ petition, will render that writ petition infructuous.

10. In such view of the matter, the writ petition is disposed of with liberty to the petitioners to seek the appropriate remedy in the pending writ petition.

(Subhash Upadhyay,.J.)

(Manoj Kumar Tiwari, .J.)

23.12.2025

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