



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition No. 01 (M/B) of 2026

06 January, 2026

Uttaranchal Unani Medical College & Hospital

-----Petitioner

Versus

Union of India and others

-----Respondents

Presence:-

Mr. T. A. Khan, learned Senior Counsel, assisted by Mr. Vinay Bhatt,
learned counsel for the petitioner.

Mr. Rajesh Sharma, learned Standing Counsel for the Union of
India/respondent nos. 1 & 3.

Mr. Ramji Srivastava, learned counsel for the respondent no.2.

Mr. B.S.Parihar, learned Additional C.S.C. for the State of
Uttarakhand/respondent no.4.

Mr. Sandeep Kothari, learned counsel for the respondent no.5.

JUDGMENT: (per Mr. SUBHASH UPADHYAY, J.)

Petitioner is running a Unani College in the
name and style of “Uttaranchal Unani Medical College &
Hospital, Mustafabad (Padartha), Dhanpura, District
Haridwar.

2. According to the petitioner, due to minimum
cut off marks, fixed by National Commission for Indian
System of Medicine for admission in BUMS Course i.e.,



50 percentile in National Eligibility –cum-Entrance Test, sufficient number of students are not coming forward for taking admission during academic year 2025-26 and as against total intake capacity of 42, so far only 5 students have taken admission.

3. Learned counsel for the petitioner submits that for the redressal of his grievance, Writ Petition No. 1068 of 2025(M/B) was filed, which was disposed of on 23.12.2025: Para 7 & 8 of the order reads as under:

“7. Since the proviso enables the National Commission to lower the cut off marks in consultation with the Central Government, whenever found necessary, therefore it casts a duty upon National Commission to request the Central Government whenever educational institutions, recognized by National Commission face difficulty in getting sufficient number of students. The National Commission cannot remain oblivious to the problems of institution concerned.

8. In such view of the matter, the writ petition is disposed of with liberty to petitioner to make representation to National Commission for Indian System of Medicine. If petitioner makes representation within one week from today, National Commission shall examine the matter and refer the issue to Central Government for consultation and necessary order. This Court hopes and expects that the entire exercise shall be concluded as earliest as possible.”

4. Learned counsel for the petitioner submits that the petitioner had submitted a representation to the respondents no. 27.12.2025 for compliance of the order passed by this Court, and, the impugned order dated 30.12.2025 has been passed by the Secretary, National



Commission for Indian System of Medicine. He submits that despite the directions issued by the Court to the Nainital Commission to refer the issue to Central Government for consultation and necessary order, the representation has been rejected without complying the said directions. He, thus, submits that the order dated 30.12.2025 is liable to be quashed and the respondents are liable to be directed to take fresh decision in the matter.

5. Learned counsel for the respondent no.2 submits that the order dated 30.12.2025 does not refer as to whether the matter was referred to the Central Government or not, as such, he submits that the case of petitioner shall be considered afresh by the authorities.

6. The said submission made by learned counsel for the parties is taken on record.

7. Accordingly, the Writ Petition is allowed. The order dated 30.12.2025 passed by the respondent no.2 is quashed. The respondent no.2 is given a liberty to refer the matter of the petitioner to the Central Government for consultation and necessary order. The order passed by the Central Government in the representation of the



2026:UHC:211-DB

petitioner shall be communicated by the respondent no.2 to the petitioner. Let the entire exercise be completed within a period of 10 days from today.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 06.01.2026
Kaushal