



2026:UHC:3441-DB

Reserved

IN THE HIGH COURT OF UTTARAKHAND  
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA  
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

JUDGMENT RESERVED ON : 30.04.2026

JUDGMENT PRONOUNCED ON : 07.05.2026

WRIT PETITION (M/ B) No. 935 OF 2025 (1)

Vineeta and others .....Petitioners

Versus

State of Uttarakhand and others ..Respondent

WRIT PETITION (M/ S) No. 3134 OF 2019 (2)

Motherhood Ayurveda Medical College, Roorkee

...Petitioner

Versus

State of Uttarakhand and others ..Respondents

WRIT PETITION (M/ S) No. 3136 OF 2019 (3)

Om Ayurveda Medical College, Hospital and Research Centre,  
District-Haridwar.

...Petitioner

Versus

State of Uttarakhand and others ..Respondents

WRIT PETITION (M/ S) No. 3140 OF 2019 (4)

Uttaranchal Ayurvedic Medical College, Dehradun.

...Petitioner

Versus

State of Uttarakhand and others ..Respondents

WRIT PETITION (M/ S) No. 3161 OF 2019 (5)

Smt. Manjira Devi Ayurvedic Medical College and Hospital,  
Uttarkashi.

...Petitioner

Versus

State of Uttarakhand and others ..Respondents

WRIT PETITION (M/ S) No. 3167 OF 2019 (6)

Shivalik Institute of Ayurveda and Research, Dehradun.

...Petitioner

Versus

State of Uttarakhand and others ..Respondents

WRIT PETITION (M/ S) No. 207 OF 2021 (7)

Quadra Institute of Ayurveda

...Petitioner

Versus

State of Uttarakhand and others ..Respondents

WRIT PETITION (M/ S) No. 461 OF 2021 (8)

Doon Institute of Medical Sciences.

...Petitioner

Versus

State of Uttarakhand and others ..Respondents

WRIT PETITION (M/ B) No. 841 OF 2025 (9)

Hassanul Haque and others.

...Petitioners



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Versus

State of Uttarakhand and others ..Respondents  
WRIT PETITION (M/ B) No. 1053 OF 2025 (10)  
 Satya Dev and others. ...Petitioners

Versus

State of Uttarakhand and others ..Respondents  
WRIT PETITION (M/ B) No. 1057 OF 2025 (11)  
 Farha Khan and others. ...Petitioners

Versus

State of Uttarakhand and others ..Respondents  
 &  
WRIT PETITION (M/ B) No. 1064 OF 2025 (12)  
 Mohd. Suaib and others ...Petitioners

Versus

State of Uttarakhand and others ..Respondents

Counsel for the petitioners : Sri Yogesh Pacholia, Sri Tilak Ram, Sri Navneet Kaushik, Sri Niranjana Bhatt and Sri Aditya Singh, learned counsel.

Counsel for the respondents : Sri J.C. Pandey, learned Standing Counsel with Sri M.S. Bisht, learned Brief Holder for the State.  
 Sri Rajesh Sharma, Sri Saurav Adhikari, Sri Manoj Kumar, learned Standing Counsel for the Union of India.  
 Sri Krishan Mohan Joshi, Advocate, holding brief of Sri V.K. Kaparuwan, learned Standing Counsel for the Union of India.  
 Sri Sandeep Kothari, learned counsel for Uttarakhand Ayurveda University.  
 Sri Ramji Srivastava, learned counsel for National Commission for Indian System of Medicine.

JUDGMENT : (Per Sri Manoj Kumar Gupta, C.J.)

1. A common question which arises for consideration in the present batch of writ petitions is whether the admissions granted to students in AYUSH undergraduate courses during the academic year 2019-20 by various private colleges, bypassing the counseling process based on the result of National Eligibility-cum-Entrance Test (NEET), could be



regularized; and whether the provisional registration granted to the students by the University on basis of interim orders passed in writ petitions filed by the colleges / students can be held to be valid, so as to entitle such students, who have pursued their courses for all these years, to appear in the final examinations, and in cases where they have already appeared, to have their results declared.

2. Broadly, there are two sets of writ petitions. The one is by the individual colleges, wherein the colleges have either challenged the Notification dated 03.01.2019 issued by the Government of India, Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH) providing that all admissions in AYUSH courses shall mandatorily be made through the merit list of NEET (UG)-2019, in view of the amendments made in the Regulations by the Central Council of Indian Medicine with the previous sanction of the Central Government by Notification dated 7<sup>th</sup> December, 2018, or have sought a mandamus to permit such students to appear in the professional examinations in different years.

3. The other set of petitions is by the students seeking a mandamus to the respondents to declare their results of the final examination of B.A.M.S. course and/or to permit them to appear in different professional



examinations, thereby, enabling them to complete their B.A.M.S. course, and / or to declare their results and issue marksheets to them and / or to quash the order passed by the University cancelling their temporary registration for the course.

4. In some cases, interlocutory applications have also been filed seeking different reliefs which, in pith and substance, are essentially for grant of permission to complete different stages of the course.

5. The brief facts are that by Notification dated 07.12.2018, the Central Council of Indian Medicine introduced the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Amendment Regulations, 2018. By Regulation 2(d), it was provided that there shall be a uniform entrance examination for all medical institutions for admission to undergraduate courses in each academic year, to be conducted by an authority designated by the Central Government. The said Regulations were challenged by various colleges before the Punjab and Haryana High Court. The writ petitions were dismissed by judgment date 18.12.2019. Aggrieved thereby, the colleges filed Special Leave Petitions before the Supreme Court. The Supreme Court decided the controversy by judgment dated 20.02.2020 in *Union of*



*India vs. Federation of Self-Financed Ayurvedic Colleges Punjab and others*, reported in (2020) 12 SCC 115. The Supreme Court held that Section 22 of the Indian Medicines Central Council Act, 1970, which empowers the Central Council to prescribe minimum standards of education in Indian Medicine, is wide enough to enable the Council to provide for NEET examination and, accordingly, the amendments made in the Regulations, making provisions for admission through NEET examination, were upheld. While so holding, the Supreme Court, considering the fact that a large number of seats had remained vacant in various private colleges, even after final round of counseling, and that the colleges had admitted students on the strength of interim orders passed by the High Courts, permitted such students to pursue their courses, provided they were admitted prior to the last date of admission i.e. 15<sup>th</sup> October, 2019. The Supreme Court clarified that the relaxation granted by it was a one-time measure and would not be treated as a precedent. The relevant observations, made in this behalf in Paragraph-15 are as follows:

*“15. ....However, , in view of admission of a large number of students to the AYUSH Under Graduate courses for the year 2019-2020 on the strength of interim*



*orders passed by the High Courts, we direct that the students may be permitted to continue provided that they were admitted prior to the last date of admission i.e. 15<sup>th</sup> October, 2019. The said direction is also applicable to students admitted to Post Graduate courses before 31<sup>st</sup> October, 2019. This is a one-time exercise which is permitted in view of the peculiar circumstances. Therefore, this order shall not be treated as a precedent.”*

6. It is noteworthy that in the writ petitions, filed by the colleges, separate interim orders have been passed on different dates in identical terms. For ready reference, the operative part of the interim order passed in WPMS No. 3134 of 2019 titled ‘*Motherhood Ayurveda Medical College Roorkee vs. State of Uttarakhand and others*’ is quoted below:-

*“8. In view of these facts, this Court is also inclined to grant a similar protection to the petitioner. The petitioner shall be permitted to admit the students in the ongoing counselling for the academic year 2019-20 with the following conditions:-*

*(i). In case in the petitioner’s college seats have remained unfilled after the NEET qualified students have made their choices and if seats remain unfilled, due to the non availability of NEET qualified candidates, such candidates who have the minimum qualification to undergo the AYUSH courses (BAMS, BHMS and BUMS), shall be permitted to take part in the counselling.*



*(ii). It is further made clear that such students who have been admitted in the petitioner's college and who have not qualified the NEET examination, their admission shall be provisional in nature and depend upon the final determination in the writ petition.*

*(iii). It is further made clear that these students shall only be admitted as per their relative merit. In other words, the more meritorious candidate shall be given preference."*

7. The submission of learned counsel for the petitioners is that the students were admitted to B.A.M.S. courses in academic year 2019-20 on basis of interim orders passed in various writ petitions filed by the colleges. Although, the interim orders stipulated that the admissions would be provisional and would depend upon the final outcome of the writ petitions, but now, in view of the order of the Hon'ble Supreme Court in *Federation of Self-Financed Ayurvedic Colleges, Punjab and others* (supra), the said admissions stand regularized. It is, therefore, prayed that the writ petitions be allowed and the University be directed to treat the admissions as regular and declare the result of the students.

8. Sri Sandeep Kothari, learned counsel, appearing on behalf of the University, does not dispute that the students, who have preferred different writ petitions before this Court, are those who were admitted by the colleges in



pursuance of interim orders passed in the writ petitions filed by them and possessed the minimum qualification for admission to AYUSH courses. Thus, although these students were admitted directly by the colleges without undergoing the process of counseling, in view of the order of the Supreme Court granting one-time relaxation in respect of admissions made before 15.10.2019, they would stand regularized. Consequently, the University is obliged to declare their results and / or permit them to appear in any back examination, if scheduled in future, provided there is no other impediment.

9. In some of the cases, counter-affidavits have been filed by the University, in which it has not been denied that the students were admitted by the colleges before 15.10.2019, the last date prescribed in this behalf, on basis of the interim orders passed in favour of the colleges in different writ petitions. However, in WPMS No. 207 of 2021 titled "*Quadra Institute of Ayurveda vs. State of Uttarakhand others*", it is contended that in the said case, interim order was passed for the first time on 3<sup>rd</sup> February, 2021 permitting the College to take admission of four students provisionally and, therefore, the students of the said college are not entitled to the benefit of the order of the Supreme Court.



10. In order to appreciate the submission, we hereunder reproduce the operative part of the interim order dated 03.02.2021 passed in WPMS No. 207 of 2021:-

*“9. In the meantime, Uttarakhand Ayurveda University is directed to provisionally permit the 4 students admitted by the petitioner College during academic session 2019-20 to appear in the first professional examination, which is scheduled to be held in the month of March, 2021. This, however, will be subject to petitioner depositing a sum of ₹ 1,00,000/-with the University, within two weeks from today.”*

11. It is not disputed before us that the Institute had deposited Rs. 1 lac with the University in terms of the above order. It is also not disputed that all the four students of the College, in respect of whom the interim order was passed, were admitted prior to the last date of admission, i.e. 15.10.2019. The students have appeared in professional examinations held during these years on the strength of the interim order. In such circumstances, we are not inclined to differentiate the cases of said students from that of other students of the same academic year and hold that they would also be entitled to the benefit of one-time relaxation granted by the Hon’ble Supreme Court.

12. Thus, while the challenge to the amendment made in the Regulations and the Notification issued by the Central Government for making admissions through the



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process of counseling fails, the students admitted on the strength of interim orders on or before 15.10.2019 are held entitled to declaration of their results and / or to appear in any back paper examination. It is ordered accordingly. The University shall treat the admissions as regular and declare the result of the students and also permit them to appear in the back paper examination, if any, in accordance with law.

13. The writ petitions stand disposed of accordingly.
14. Pending application, if any, also stands disposed of accordingly.

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MANOJ KUMAR GUPTA, C.J.

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SUBHASH UPADHYAY, J.

Dt: 7<sup>th</sup> May, 2026  
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PRAVINDRA  
SINGH RATHOUR

Digitally signed by PRAVINDRA SINGH RATHOUR  
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