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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2554/2016 & C.M.No.10870/2016**

NITISHWAR AYURVED MEDICAL COLLEGE AND HOSPITAL

..... Petitioner

Through Mr.Shree Prakash Sinha with
Mr.Rakesh Mishra and Mr.Yogesh
Goel, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through Mr.Manish Mohan, CGSC with
Mr.Mahesh Prasad, Advocate for R-1.
Mr.Rudro Chatterjee, Advocate for R-
2.
Mr.Aseem Mehrotra, Advocate for R-
3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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23.03.2016

Present writ petition has been filed with the following prayers:-

A. Issue a writ/writs, order/orders, direction/directions to the respondent No.3 to hold the 2nd BAMS examination of the admitted students of academic session 2011-12 of BAMS course of the petitioner college in compliance of the judgment dated 01/09/2014 and 15/12/2014 passed by this Hon'ble Court in W.P.(C) No.363/2012 as well as in due deference of the order dated 07/08/2015 passed by this Hon'ble Court in Contempt Case (C) No.574/2015, and

B. Direct the respondents to permit the students of academic session 2011-12 of BAMS course of the petitioner college to complete their entire BAMS course in view of the above referred orders passed by this Hon'ble Court as upheld by

the Hon'ble Supreme Court, and/or

C. Pass such other or further order/orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

It is pertinent to mention that petitioner-college and hospital had initially filed the writ petition being W.P.(C) No. 363/2012, which was disposed of by this Court vide judgment and order dated 1st September, 2014. The relevant portion of the said order is reproduced hereinbelow:-

“Upon a perusal of the paper book, this Court finds that on 24th October, 2011 in W.P.(C) 7713/2011, this Court had permitted the petitioner-college to conduct counselling subject to further orders to be passed in the said writ petition. On 23rd December, 2011, while disposing of the said writ petition, this court had clarified that the admission of students for the academic session 2011-2012 shall be subject to further order that may be passed in a new writ petition.

Even in the present writ petition as late as on 16th May, 2012, this Court had stated that admission of 50 students in BMS Course in the academic session 2011-2012 shall be subject to outcome of the present petition.

Consequently, it cannot be said that the petitioner-college while admitting the students had either not kept this court/respondent informed or had taken law into its own hand.

This Court also finds that the order dated 10th October, 2012 passed by the Karnataka High Court in W.P.(C) 39573/2010 has been implemented by the respondents under similar circumstances. Further, this Court of the opinion that as students have already been admitted and given their theory exam, it would not be fair or prudent to cancel their admission.

Consequently, as the petitioner college is also similarly situated, this Court is of the view that they are entitled to parity.

Accordingly, present writ petition on its peculiar facts and circumstances is allowed. The applications stand disposed of.”

The said order dated 1st September, 2014 was upheld by the Division Bench and even a Special Leave Petition was dismissed by the Supreme Court.

Learned counsel for petitioner states that the respondent-University prepared the date-sheet for BAMS examination on 4th February, 2016. He, however, states that there is no mention of any examination to be conducted for students admitted in the Academic Session 2011-12.

A perusal of the file reveals that petitioner's representation dated 2nd March, 2016 has not been disposed of by the Registrar of respondent no. 3-University till date.

Consequently, present writ petition is disposed of with a direction to Registrar of respondent no. 3-University to decide the petitioner's representation as expeditiously as possible, preferably within a period of two weeks.

In view thereof, the present writ petition and the applications are disposed of.

Order *dasti* under the signatures of the Court Master.

MANMOHAN, J

MARCH 23, 2016
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