

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1015 of 2017

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R. D. Kedia Homoeopathic Medical College and Hospital, Bariyapur, Motihari, East Champaran through its Principal Dr. Rajendra Prasad Son of Late Dr. Narayan Prasad Resident of Purab Sarai, P.S. Kotwali, District - Munger.

... .. Petitioner/

Versus

1. The Union of India through the Secretary, Ministry of AYUSH, AYUSH BHAWAN, B - Block, G.P.O. Complex , INA, New Delhi - 23.
2. The Secretary, Ministry of Ayurveda, Yoga and Naturopathy, Unani Siddha and Homeopathy, Ayush Bhawan, B - Block, G.P.O. Complex, INA, New Delhi - 23.
3. The State of Bihar through its Principal Secretary, Department (Health & FW), Department of Health, Vikas Bhawan, New Secretariat, Patna.
4. The Director, Desi Chikitsa, Health Department, Govt. of Bihar, Patna.
5. The Secretary, Central Council of Homeopathy, 61 - 65, Institutional Area, Opp. 'D' Block , Janakpuri, Delhi - 10058.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mr. Pramendra Kumar Singh
For the Union of India	:	Mr. S. D. Sanjay, Addl. S. G. Ms. Punam Kumari Singh, CGC
For the C. C. H.	:	Mr. Ashok Kumar Sinha, Sr. Adv. Mr. Atul Kumar Pandey
For the State of Bihar	:	Mr. Upendra Prasad Singh, AC to GP 25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 31-10-2017 Heard learned Counsel for the parties concerned.

The petitioner is aggrieved by a letter, issued by the Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy (AYUSH), Government of India, dated 15.11.2016, whereby conditional permission to undertake admission for U.G. (BHMS) course for the academic sessions 2016-17 has been refused.



In order to assail the impugned order, learned Counsel for the petitioner has attempted to convince this Court that the respondents did not follow the statutory requirements under Section 19 of the Homeopathic Central Council Act, 1973.

The controversy, which is being raised in the present proceeding, has, now, become academic only for the reason that, admittedly, the said session 2016-17 has come to an end and no effective relief can be granted to the petitioner College.

On perusal Homeopathic Central Council (Minimum Standard Requirement of Homeopathic Colleges and Attached Hospitals) Regulations, 2013, it appears that grant of permission by the Central Council of Homeopathic and Central Government is a condition precedent, for the existing colleges to undertake admission to U. G. (BHMS) Course.

It is the stand of the petitioner that since the order came to be passed after commencement of the academic sessions 2016-17, the College had already given admissions to 50 students.

I do not intend to comment upon such conduct of the petitioner College for the present. In the absence of permission, the College could not have taken admission. Now, even the next 2017-18 academic sessions must have either begun or going to begin soon. In that background, I do not intend to go into the



legality of the impugned order.

This application is, therefore, disposed of with an observation that if no decision has been taken on the question of grant of permission to the College, as contemplated under Regulation 3 of the 2013 Regulations, for the academic sessions 2017-18, the same should be taken without further loss of time.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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