

CWP-19460 of 2011

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In the High Court of Punjab and Haryana at Chandigarh.

**1. CWP-19460 of 2011
Decided on 27.4.2017**

Shaheed Kartar Singh Sarabha Ayurvedic College, District Ludhiana

--Petitioner

Vs.

The Union of India and others

--Respondents

2. CWP-7023 of 2014

Murari Lal Rasiwasia Ayurvedic College and Hospital

--Petitioner

Vs.

The Union of India and others

--Respondents

3. CWP-20005 of 2014

Shri Satya Sai Murlidhar Ayurvedic College

--Petitioner

Vs.

The Union of India and others

--Respondents

4. CWP-7687 of 2014

Mai Bhago Ayurvedic College and Hospital

--Petitioner

Vs.

The Union of India and others

--Respondents

5. CWP-10068 of 2014

Saint Sahara College and Hospital

--Petitioner

Vs.

The Union of India and others

--Respondents

6. CWP-7955 of 2014

Rao Imran Khan

--Petitioner

Vs.

The Union of India and others

--Respondents

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7. CWP-7418 of 2014

Puneet and others

Vs.

--Petitioners

The Union of India and others

--Respondents

8. CWP-8227 of 2014

Akhil Mandial and others

--Petitioners

Vs.

The Union of India and others

--Respondents

AND

9. CWP-11839 of 2016

Ran Singh and others

--Petitioners

Vs.

Union of India and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. Rajiv Atma Ram, Sr. Advocate, with
Mr. Arjun Partap Atma Ram, Advocate, for the petitioner

Mr. Puneet Gupta, Advocate, for Union of India

Mr. Ashok Tayagi, Advocate, for CCIM

Mr. Amit Chaudhary, Addl. A.G., Punjab.

Rakesh Kumar Jain, J: (Oral)

A bunch of five petitions bearing CWP Nos. 19460 of 2011, 7023, 20005, 7687 and 10068 of 2014 preferred by the Institutions and also four petitions bearing No, 7955, 7418, 8227 of 2014 and 11839 of 2016 filed by the students are being disposed of by a common order as the issue involved in all these petitions is common. However, for the sake of convenience, facts are being extracted from CWP-19460 of 2011, which is being treated as the first petition.

Initially, the first petition was filed for issuance of a writ in the nature of mandamus, seeking a direction to the respondent-University to allocate students to the B.A.M.S course in the petitioner -College for the academic session 2011-12.

Notice of motion was issued in the first petition on 18.10.2011 and the following order was passed:-

“Notice of motion for 01.11.2011.

To be heard along-with CWP No. 18961 of 2011.

Mr.Sukhdeep Singh Sandhu, Advocate, accepts notice on behalf of respondent No.1; Mr.Amar Vivek, Advocate, accepts notice on behalf of respondent No.2 and Ms.Sudeepti Sharma, Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.4.

Let one copy each of the writ petition be supplied to learned counsel for the respondents during the course of day failing which the writ petition shall stand dismissed for non-prosecution.

Counter reply, if any, be filed before the date fixed with an advance copy to the opposite counsel.

Let respondent No.3 be served for the date fixed.

Meanwhile, the Union of India, respondent No.1 is directed to take an appropriate decision in accordance with law. However, as an interim measure, the petitioner-College shall be allocated the students for admission strictly in order of merit, after obtaining affidavits from each of the students that provisional admission in the petitioner- College shall create no equitable right in their favour.

Let a copy of this order be issued during the course of day, on payment of requisite dasti charges”.

On the adjourned date, learned counsel appearing for Union of India, produced an order dated 25.10.2011 by which permission was declined by the Ministry of Ayush-Government of India to admit the students in B.A.M.S course in the academic session 2011-12. The petitioner then accordingly amended the writ petition in order to challenge the order dated 25.10.2011 by seeking a writ in the nature of certiorari.

Ultimately, the writ petition was admitted on 14.7.2014 with the following order:-

“Counsel for respondent No.2 is seeking more time to file reply.

Dispute pertains to the academic session 2011-12 for the BAMS course, which is 4 ½ years duration. Interim relief was granted on 18.10.2011.

Admitted.

To be listed in January,2015”

Learned counsel for the petitioner has submitted that the batch admitted for the academic session 2011-12 in the B.A.M.S course has already completed the course and also the internship. It is also submitted that at this stage, the present petition has become infructuous.

Mr.Puneet Gupta, learned counsel appearing for Union of India has submitted that since the course is over, therefore, the present petition has outlived it's life and has basically become redundant.

Be that as it may, learned counsel for the petitioner has submitted that since the students/petitioners have completed their course, therefore, the interim order passed by this Court may be made absolute so that admission of the students/petitioners may be regularised.

In this regard, he has submitted that the admissions for the academic session 2011-12 were not permitted only because of the reason that there was allegedly some deficiency found by respondent No.1 but in the academic session onwards, there was no deficiency found and permission was continuously given in the lead case and the other connected cases. In this regard, he has relied upon an order passed in CWP-1632 of 2014 titled as **Gaur Brahmin Ayurvedic College Vs. Union of India** decided on 29.11.2016 in which it has been held that “*once respondent*

No.1 has already granted the permission for the subsequent years on an earlier occasion on 19.7.2012, after coming to the conclusion that the college had the infrastructure in place, as per the inspection report dated 13/14.02.2012, the subsequent order declining the permission for an earlier period, for which, inspection was carried out later, cannot be held to be justified, in any manner". It is further held that "the present writ petition is allowed, the impugned order dated 22.11.2013 (Annexure P9) is quashed and accordingly, the admission granted, as per the interim directions issued in CWP- 18961 of 2011, are regularised. The college and the concerned authorities shall issue necessary certificates to the students for the said course".

Learned senior counsel for the petitioners has also referred to the document Annexure P-41 attached with CWP- 7687 of 2014 to contend that on 08.3.2017 Guru Ravi Dass Ayurvedic University, Punjab has observed that the University has no objection, if the case is decided in favour of the students pertaining to the relaxation to students of 2011 batch of BAMS. However, it is fairly submitted that the order Annexure P-41, referred to above, would not apply to the case bearing CWP- 7023 of 2014 because it pertains to the State of Haryana and the University is also different. The Institutions/Colleges have also prayed for regularisation of the admissions who have got admission in their respective colleges under the orders of this Court with all consequential benefits which may follow thereafter.

Since the admissions made by the Colleges have been

regularised, therefore, admissions of students are also ordered to be regularised and they would also get all consequential benefits arising out of regularisation of their admission.

Thus, these petitions have become infructuous and are disposed of as such.

27.4.2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No