

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24136 of 2015.

Date of Decision: October 31, 2017

Shiv Shakti Ayurvedic College

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Arjun Pratap Atma Ram, Advocate, for the petitioner.
Mr.Puneet Gupta, Advocate, for respondent No.1-UOI.
Mr.Sunil Kumar Sharma, Advocate, for respondent No.2.
Mr.Rajesh Bhardwaj, Sr.DAG, Punjab, for respondent No.3.
Mr.T.S.Chauhan, Advocate, for respondent No.4.

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Surya Kant, J. (Oral)

The petitioner is a self-financed privately managed Ayurvedic College. The petitioner-Institute while questioning the orders dated 21.03.2011 and 27.10.2015, has sought a direction to the Union of India and other authorities to permit it to admit 60 students in BAMS Course for the session 2015-16. The said permission was denied to the petitioner-Institute on account of certain deficiencies found during the course of inspection.

[2] It is an admitted fact that a learned Single Judge of this Court vide an interim order dated 19.11.2015 permitted the petitioner-Institute to make admissions to the extent of 60 seats subject to final outcome of the writ petition. Thereafter, further interim directions were issued on 03.12.2015 directing the respondent-University and the Government to send their representatives for counseling which was scheduled to be held on 6/7.12.2015. Directions were also issued on 05.07.2016 to the respondent-University to issue admission cards to the students who were admitted

pursuant to the directions issued earlier.

[3] As stated earlier, the point in issue in the instant writ petition is whether the petitioner-Institute fulfills the condition of requisite infrastructure and has facilities to make admission against 60 seats of BAMS Course? It is undeniable that subsequently fresh inspections were carried out and having found that there exists no deficiency, the Government of India vide order dated 07.09.2017 has granted conditional permission to the petitioner-Institute to make admission against 60 seats of BAMS Course for the session 2017-18. It was in this backdrop that this Court passed the following order on 03.10.2017:-

“.....The controversy in this writ petition pertains to requisite permission to the petitioner-Institute to make admission to 60 seats of B.A.M.S. Course of the year 2015-16. This court by way of an interim order, permitted the petitioner-Institute to make admission against those 60 sanctioned seats. Similar order was passed for the year 2016-17 also. The petitioner has now placed on record the Government of India decision dated 07.09.2017 whereby conditional permission has been granted to the petitioner-Institute to make admission to 60 seats of B.A.M.S. Course for the academic session 2017-18. The permission has been granted subject to compliance of condition Nos.(i) to (iii) mentioned in para No.3 of the letter dated 31.12.2017. It thus appears that the Central Government/Competent Authority is satisfied that the petitioner-Institute does not suffer with any deficiency which were noticed earlier in the the Sessions 2015-16 or 2016-17.

Learned counsel for Union of India, however, seeks time to have clear instructions in this regard.....”

[4] In deference thereto, the Union of India has filed reply to the miscellaneous application which is taken on record. The factum of removal

of deficiencies and grant of permission for the session 2017-18 to admit 60 candidates in BAMS Course, are duly admitted in the reply. Since the students admitted pursuant to the interim orders passed by this Court, referred to in the earlier part of this order, are already pursuing their Course from the last about two years and the petitioner-Institute has already removed the deficiencies, we are satisfied that the admissions made by the petitioner-Institute in the academic session 2015-16 deserve to be regularized.

[5] Ordered accordingly.

[6] The respondent-University shall take necessary steps to regularise the admissions and declare result of the students, if not declared so far. Disposed of.

[SURYA KANT]
JUDGE

October 31, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

101 CM Nos.8673, 8674, 8736 and 8737 of 2017
in CWP No.24136 of 2015

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Shiv Shakti Ayurvedic College

versus

Union of India and others

Present : Mr.Arjun Pratap Atma Ram, Advocate,
for the petitioner.
Mr.Puneet Gupta, Advocate,
for respondent No.1.
Mr.Sunil Kumar Sharma, Advocate,
for respondent No.2.
Mr.T.S.Chauhan, Advocate,
for respondent No.4.

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CM Nos.8736 and 8737 of 2017

For the reasons mentioned in the applications, the same are
allowed subject to all just exceptions and replies to CM No.8674 of 2017
are taken on record.

CM stands disposed of.

CM Nos.8673 and 8674 of 2017

Heard learned counsel for the parties.

With their consent, the main case is taken on Board for final
disposal.

In view of the order of even date passed in the main case, the
applications have become infructuous.

Dismissed as infructuous.

(SURYA KANT)
JUDGE

October 31, 2017
mohinder

(SUDHIR MITTAL)
JUDGE