

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.243 of 2017.

Date of Decision: October 24, 2017

Lal Bahadur Shastri Mahila Ayurvedic College and Hospital, Bilaspur.

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.G.S.Attariwala, Advocate, for the petitioner.
Mr.Akash Yadav, Advocate, for
Mr.Abhinav Gupta, Advocate, for respondent No.1.
Mr.Sunil Kumar Sharma, Advocate, for respondent No.2.
Mr.Amit Rao, Advocate, for respondent No.3.

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Surya Kant, J. (Oral)

The petitioner is a self-financed privately managed Ayurvedic College. Government of India, Ministry of Ayurveda, Yoga and Naturopathy etc., vide order dated 26.12.2016 (P-6) granted conditional permission to the petitioner-Institute to admit 50 students in UG (BAMS) Course for the academic session 2016-17. The last cut-off date for admission was 31.12.2016.

[2] The petitioner-Institute is affiliated to Pt. B.D.Sharma University of Health Sciences, Rohtak. The University issued a notification dated 23.12.2016 (P-8) to the effect that counselling for admission to BAMS Course in the private Ayurvedic Colleges including the petitioner-Institute will be held on 27.12.2016. The University issued another notification dated 28.12.2016 (P-9) saying that counselling for the left over seats against State quota as well as against Management quota in the private

Ayurvedic Colleges will be held on 30.12.2016. The petitioner's grievance

in the instant writ petition is that it was left with hardly one or two days to make admissions against the Management quota seats. Hence, a direction has been sought to extend the cut-off date for admission.

[3] The writ petition initially came up for preliminary hearing before a learned Single Judge who vide an interim order dated 13.01.2017 granted permission to the petitioner-Institute to fill up 14 Management quota seats till 15.01.2017. The petitioner-Institute could not fill up the seats within those two days only, as the interim order was passed on 13.01.2017 and permission to fill up the seats was granted till 15.01.2017. Hence, the petitioner-Institute filed LPA No.137 of 2017 in which a Coordinate Bench permitted the petitioner-Institute to fill up the Management quota seats by 31.01.2017. The petitioner-Institute thus filled all the left-over seats before the extended cut-off date of 31.01.2017. LPA No.137 of 2017 was later on disposed of as infructuous on 02.08.2017.

[4] The short issue which thus requires consideration is whether the petitioner-Institute is justified in seeking extension of date to admit the candidates against the left-over Management quota seats?

[5] The question referred to above, in our considered view, has been rendered academic in view of the interim orders passed by this Court firstly by learned Single Judge on 13.01.2017 and thereafter by the Division Bench in LPA No.137 of 2017. The fact of the matter is that the Competent Authority permitted the petitioner-Institute to fill up 50 seats in BAMS Course. It was only because of shortage of time due to prescription of cut-off date that 14 Management quota seats remained unfilled. In these circumstances, extension of time by this Court was justified. The students have already been admitted. They are pursuing their courses.

[6] Learned counsel for respondent No.2-CCIM informs that CCIM has already recommended to grant permission to the petitioner-Institute for the academic session 2017-18 also as no notable deficiency was found. In this view of the matter, we dispose of this writ petition directing the respondents to regularize the admissions made by the petitioner-Institute till 31.01.2017.

[7] Ordered accordingly.

[SURYA KANT]
JUDGE

October 24, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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