

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4391-2017

Date of Decision: November 13, 2017

Shiv Shakti Ayurvedic College and Hospital, Sunam road, Bhikhi, District
MansaPetitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.G.S.Attariwala, Advocate for the petitioner.
Mr.Prateek Gupta, Advocate for respondent No.1.
Mr.Lalit Kumar Sharma, Advocate for
Mr.Sunil Kumar Sharma, Advocate for respondent No.2.
Mr.T.S.Chauhan and Mr.Satnam Chauhan, Advocates
for respondent No.3.

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SURYA KANT, J.

The petitioner is a self-financed privately managed Ayurvedic College. Its grievance is against the order dated 09.12.2016 passed by Union of India, Ministry of Health and Family Welfare, Department of AYUSH, whereby permission to make admission of 60 seats in BAMS(UG) Course for the academic Session 2016-17 was denied. Even before passing of the above-stated impugned order, this Court had granted interim relief to the petitioner on 09.12.2016 in its earlier writ petition, i.e. CWP-25567-2016, whereby the petitioner-Institute was provisionally permitted to admit 60 students in the academic Session 2016-17.

[2] It may be mentioned here that the permission was declined to

the petitioner-Institute on account of certain deficiencies in infrastructure. It is also a matter of record that pursuant to the interim order passed by this Court, the petitioner-Institute has admitted 60 students in BAMS Course.

[3] Learned counsel for the petitioner has handed over a photocopy of the order dated 07.09.2017 which is not disputed by learned counsel for the respondents also, whereby Union of India, Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) has granted permission to the petitioner-Institute to admit students in BAMS(UG) for the Session 2017-18. It is observed that the shortcomings which were earlier noticed have been rectified by the petitioner.

[4] In view of the fact that the petitioner has been found to have removed the deficiencies and in the absence of any shortcoming, Union of India has granted permission to admit students for the Session 2017-18, coupled with the fact that the students admitted by the petitioner for the Session 2016-17 have spent an year in pursuing the course, and also for the reasons assigned by us in our order dated 31.10.2017, passed in CWP No.24136 of 2015 (**Shiv Shakti Ayurvedic College vs Union of India and others**), the instant writ petition stands allowed. The impugned order is modified and the admissions made by the petitioner-Institute in the academic Session 2016-17 are ordered to be regularised.

(SURYA KANT)
JUDGE

November 13, 2017

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(SUDHIR MITTAL)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No

Yes/No