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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6921/2017**

**VAIDYA RAGHUNANDAN SHARMA** ..... Petitioner

Through: Mr Suryadeep Singh, Advocate.

versus

**UNION OF INDIA & ANR** ..... Respondents

Through: Mr Brajesh Kumar, GP for UOI.  
Ms Tasneem Ahmadi and Ms Shubhi  
Khare, Advocates for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**11.08.2017**

**CM No. 28769/2017**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 6921/2017 & CM No.28768/2017**

3. The petitioner has filed the present petition, *inter alia*, impugning certain resolutions passed in the Special Meeting of the Central Council of Indian Medicine (hereafter 'CCIM') dated 31.07.2017. The said resolutions relate to the schemes forwarded by the respondent no.1 under Section 13A of the Indian Medicine Central Council Act, 1970 (hereafter 'the Act').

4. The learned counsel for the petitioner states that the business conducted at the meeting of the CCIM dated 31.07.2017, included the agenda item no. 7, which pertained to ratification of the Minutes of 248<sup>th</sup> meeting of the Executive Committee held on 14.07.2017. Thus, CCIM ratified the decision of the Executive Committee relating to the

recommendations for the purposes of Section 13A of the Act, for establishment of new medical colleges, increase in the admission seats and to start a new course of study. He points out that a similar item was also listed as agenda item no.15, which also provided for recommendations on applications received from Government of India under Section 13A of the Act.

5. The petitioner was aggrieved by non circulation of the visitation reports, which according to the petitioner were necessary for considering the recommendations received from the Government of India. The petitioner had, accordingly, filed a writ petition (W.P.(C) No.6422/2017) which was disposed of by an order dated 31.07.2017, with a direction that the petitioner be provided the relevant visitation reports and the agenda item no.15 be deferred to the next date (that is, 01.08.2017). In compliance with the said order, the consideration of the agenda item no.15 was deferred to 01.08.2017.

6. The petitioner now states that since he was under impression that all recommendations were being deferred, he did not object to the agenda item no.7 which was considered on 31.07.2017. The learned counsel for the petitioner has also drawn the attention to regulation 7 of the “Establishment of New Medical College, Opening of New or Higher Course of Study or Training and Increase of Demand Capacity by a Medical College Regulations, 2003” which specifically requires CCIM to make the recommendations “on a careful consideration of the scheme and Inspection Report” and send those to the Central Government in form 6 appended to the said regulations. He states that in view of this specific requirement, CCIM

was required to examine the visitation reports at its special meeting held on 31.07.2017/01.08.2017. However, no such exercise was carried out and the recommendations of the Executive Committee, which was included in the minutes of the 248<sup>th</sup> Meeting held on 14.07.2017 were ratified.

7. No objection was taken regarding non-availability of visitation reports while considering agenda item no. 7 on 31.07.2017. Plainly, the minutes of the 248<sup>th</sup> meeting of the Executive Committee were available with the petitioner, and he could raise objections to ratifying the resolutions at that stage. However, even if it is assumed that the minutes of the said 248<sup>th</sup> meeting of the Executive Committee were not available with the petitioner, the petitioner would have been well within his rights to raise an objection at that stage itself; but concededly no objection was voiced by the petitioner at the meeting.

8. It is also conceded that the resolutions in respect of agenda item no.7 were passed by sufficient majority. Plainly, if the petitioner did not examine the relevant minutes of the 248<sup>th</sup> meeting of the Executive Committee and raised no objections in that regard, he cannot be heard to raise objections at this stage after the majority of the house has passed the relevant resolutions.

9. In the aforesaid circumstances, this Court finds no merit in the present petition. The same is dismissed.

**VIBHU BAKHRU, J**

**AUGUST 11, 2017**  
**MK**