

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15992 of 2017

Magadh Homeopathy Medical College And Hospital, Bihar Sharif, Nalanda
through its Principal Dr. Uttam Kumar Jawahar , S/o Late Dr. B.P. Jawahar,
R/o Mohalla- Khandakpur, P.S.- Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Ayush, Ayush Bhawan, B- Block, G.P.O. Complex, INA New Delhi- 23.
2. The Secretary, Ministry of Ayush Bhawan, B- Block G.P.O. Complex, INA New Delhi- 23.
3. The State Bihar through its Principal Secretary, Department Health and Family Welfare, Vikash Bhawan, New Secretariat Patna.
4. The Director , Indigenous Medicine Health Department , Govt. of Bihar, Patna.
5. The Secretary, Central Council of Homeopathy 61-65 Institutional Area, Opp- D, Block, Janakpuri, Delhi-1058

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate with Mr. Nand Kishore Pd. Sinha
For the UOI	:	Mr. S.D. Sanjay, Addl. S.G. with Ms. Parul Prasad Mr. Ravindra Kumar , CGC
For the Respondent/s	:	Mr. Ramadhar Singh, GP-25
For the CCH	:	Mr. Ashok Kumar Sinha, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 02-05-2018

This writ application has been filed seeking quashing of the order dated 05.09.2017, passed by the Ministry of *Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy* (Hereinafter referred to as '*Ayush*'), whereby the Ministry has refused permission to the petitioner to give admission in *BHMS* Course for the session 2017-18.

2. I have heard Mr. Chitranjan Sinha, learned Senior Counsel appearing on behalf of the petitioner, Mr. S. D. Sanjay,



learned Additional Solicitor General, for the Union of India and Mr. Ramadhar Singh, learned Government Pleader No.25. I have also heard Mr. Ashok Kumar Sinha, learned Senior Counsel appearing on behalf of the Central Council for Homeopathy.

3. In my view, the grounds which have been taken in the present writ application are squarely covered by Division Bench of this Court, dated 13.03.2018, passed in LPA No. 1610 of 2017 and other analogous cases (*Union of India through the Secretary, Ministry of Ayush and ors. Vs. Dr. R.B. Singh Gaya Homeopathic Medical College & Hospital and ors*). The Division Bench in the said case has specifically held that the Central Government has power to take decision in terms of the provision under Homeopathic Central Council (Minimum Standards Requirement of Homeopathic College & attached Hospitals) Regulations, 2013.

4. Further, from the pleadings in the writ application itself, it appears that the *Ayush* upon examining the inspection report of the Central Council for Homeopathy had pointed out certain deficiencies. The Principal of the College was noticed by the Central Government pointing out the deficiencies through letter dated 03.08.2017. The petitioner had replied to the said



notice dealing with the deficiencies so pointed out. The College was given an opportunity of hearing by the Ayush on 19.08.2017. Based on the response of the petitioner to his reply to the notice issued by the Ayush pointing out the deficiencies and after giving the petitioner an opportunity of hearing, the impugned decision has been taken. In my view, thus, the Division Bench decision of this Court in case of ***Union of India and ors. Vs. Dr. R.B.Singh Gaya Homeopathic Medical College & Hospital and ors*** (supra), squarely covers the present case.

5. Mr. Chitranjan Sinha, learned Senior Counsel appearing on behalf of the petitioner has attempted to distinguish his case by drawing my attention to the recommendation dated 10.08.2017, issued by the Central Council for Homeopathy to submit that with similar recommendation one R.D. Kedia Homeopathic Medical College & Hospital, Motihari has been given permission to undertake admission of students for the academic session 2017-18 by the Ministry of *Ayush* by letter dated 12.09.2017. The said submission cannot be accepted on the basis of the document, which is being relied on since the said document discloses only gist of the nature of recommendation.



6. In any view of the matter, since the dispute relates to academic session 2017-18, no relief can be granted to the petitioner.

7. Further, since the impugned decision has been taken by a competent authority after complying with the principles of natural justice, in view of law laid down by Division Bench of this Court in case of *Union of India and ors. Vs. R.B.Singh, Gaya, Homeopathic Medical College & Hospital and ors* (supra), I do not find it to be a fit case warranting any interference, with the impugned decision.

8. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.05.2018
Transmission Date	N/A

