

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.26681 of 2018 (O&M)
DATE OF DECISION : 29.10.2018

Baba Mast Nath Ayurvedic College

PETITIONER

VERSUS

Union of India and others

RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE AMIT RAWAL

Present:- Shri Sanjay Kaushal, Senior Advocate with Shri Amit Rao,
Advocate for the petitioner.

Shri Arjun Gosain, Advocate.

Shri R.Kartikeya, Advocate.

MAHESH GROVER, J.

This petition has been filed with a prayer for the issuance of a writ in the nature of certiorari quashing the order dated 24.9.2018 and the recommendations of the Central Council of Indian Medicine (hereinafter referred to as the CCIM). The petitioner also seeks interim relief of permission to go ahead with admissions to 60 seats of B.A.M.S. Course for the session 2018-19. It is pleaded that the College has been in existence since 1957 and imparting education in the course in question, except for two years, when they faced problems for certain deficiencies resulting in restraints upon the College to go ahead with the admissions. There has been no other complaint.

On 20.8.2018, respondent No.1 pointed out certain deficiencies ostensibly based on the report (Annexure P-1) of the C.C.I.M. which are extracted here below :-

- “i. Aadhaar based Geo location enabled attendance system for teaching staff, non-teaching staff, and hospital staff not available.
- ii. Web based computerized central registration system is not available.
- iii. Functional X-Ray, ECG & USG not available.
- iv. Required Hospital Staff for upto 60 bedded Hospital is not as per MSR.
- v. Part Time Teachers are not available as per RMS 2016.”

The petitioner pleaded compliance as also the fact that these deficiencies are not covered by the Regulations so as to be sufficient to restrain it from going ahead with the admissions. The Hearing Committee also looked into these issues, but while passing the impugned order, the Government of India apart from noticing the deficiencies which were pointed out to the petitioner, took into consideration some more facts with which the petitioner was never confronted with at the time of inspection. The following are the deficiencies noticed in the impugned order in addition to the ones initially pointed out to the petitioner :-

“I. Teaching staff :

- (i) There is no higher faculty available in the department of Agad Tantra against the minimum requirement of 01.
- II. There are 04 lecture halls against the minimum requirement of 5.

III. Hospital staff :

- (i) **Availability of Hospital staff is 71.04% against the minimum requirement of 80%.**
- (ii) There is no Dark Room attendant against the minimum requirement of 01.
- (iii) There is no Medical Sp., Surgical Sp., Obstetrician, Pathologist, Anesthesiologist, Ophthalmologist, Pedatrician, Radiologist, Dentist and Physiotherapist against the minimum requirement of 01 each.
- (iv) There is no house officer against the minimum requirement 01.
- (v) There is no Yoga Teacher against the minimum requirement 01.
- (vi) There is no Analytical Chemist and Pharmacognosist against the minimum requirement 01 in each.”

Learned counsel for the petitioner has virtually made his submissions on the lines which were urged in C.W.P.26723 of 2018 decided on even date, i.e. 29.10.2018 and therefore, we are of the opinion that the reasoning set out by us in C.W.P.26723 of 2018 will be attracted to the present case as well.

The only additional argument that has been raised before us in the present petition is regarding the deficiency of staff which is not borne out in view of the provisions of the Indian Medicine Central Council Act and the Schedule appended thereto which for the purpose of provisional admissions, permits a deficiency of teachers for upto sixty intake capacity to not exceed more than ten percent of total requirement with availability of minimum one teacher in each of

fourteen departments. The relevant portion of the same is extracted here below :-

“The deficiency of teachers for upto sixty intake capacity shall not exceed more than ten per cent of total requirement with availability of minimum one teacher in each of fourteen Departments. The total number of Higher Faculty shall not be less than twelve Professors or Readers distributed in minimum eleven Departments. This relaxation is for seeking conditional permission to undertake admission for particular academic session. For example, the college having upto sixty intake capacity shall have minimum twenty-seven total faculties, out of which minimum twelve Professors or Readers covering not less than eleven Departments.”

We need not record our reasons separately in the present case, in view of the detailed order of even date passed by us in C.W.P. No.26723 of 2018.

Hence, we dispose of the present petition with same directions as given in C.W.P.26723 of 2018.

The office is directed to list the matter on 30.1.2019 only for the purpose of submission of report by the respondents.

(MAHESH GROVER)
JUDGE

(AMIT RAWAL)
JUDGE

October 29, 2018
GD

Whether speaking/reasoned	Yes
Whether reportable	Yes/No