

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.26850 of 2018 (O&M)
DATE OF DECISION : 29.10.2018

Saint Sahara Ayurvedic Medical College & Hospital, Bhatinda
... PETITIONER

VERSUS

The Union of India and others **RESPONDENTS**

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

Present:- Shri G.S.Attariwala, Advocate for the petitioner.
Shri Arun Gosain, Advocate.
Shri R.Kartikeya, Advocate.
Shri Ranbir Sood, Advocate.
Shri Samarath Sagar, Additional A.G. Punjab.

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 26.9.2018 denying permission to the petitioner College to go ahead with the admission of B.A.M.S. for the academic session 2018-19. The petitioner also seeks interim relief of permission to go ahead with admissions to the said Course for the session 2018-19. It is pleaded that the College has been and imparting education in the course in question, but now they are facing problems for certain deficiencies resulting in restraints upon

the College to go ahead with the admissions.

Respondent No.1 pointed out certain deficiencies ostensibly based on the report of the Central Council of Indian Medicine (hereinafter referred to as the C.C.I.M.) which are extracted here below :-

“ 75% equipment and instrument in Physiology, laboratory, Pharmacognosy Laboratory, Rog-vigyan, Casualty, Shalya OT, Shalaka ENT Surgical or Operative, Quality testing lab, web based computerized central registration system and Aadhaar based Geo location enabled attendance system, USG, deliveries as per RMS and approved SOPs/policies issued from time to time.

... ..

The college is not fulfilling the requirements as per sub-regulation (3) of regulation 3 of RMS, 2016 as per approved Standard Operative Procedures (SOPs) and other relevant regulations for granting conditional permission for 50 seats in UG (BAMS) course for the academic session 2018-19.”

Apart from the arguments raised before us in C.W.P. No.26723 of 2018, learned counsel for the petitioner contends that even on the face of it, the deficiencies pointed out by the respondents are totally vague, as it does not state as to what exactly is the deficiency and is merely pegged down to 75% equipment and instrument in Physiology, laboratory etc. Besides, after the Hearing Committee considered the matter regarding compliance, the other deficiencies which did not form a part of the notified deficiencies, were also used against the petitioner. The following are the deficiencies in addition to the ones which were notified to the petitioner :-

“i. Web based computerized central registration system is

not available in OPD/IPD as per RMS 2016.

- ii. There are less than 75% equipment and instruments are available in Physiology laboratory Pharmacognosy Laboratory, Rog-vigyan, casualty, Shalya OT, Shalaky ENT surgical or Operative against the requirements of 75% or more for conditional permission.
- iii. Functional X-Ray, USG, ECG are not available.
- iv. Aadhaar based Geo location enabled attendance system is not functional for teaching staff, non-teaching staff, hospital staff and PG students as per decision dated 31.1.2018 and policy decision dated 15.6.2018 in place of Biometric Attendance as per sub-regulation (3) of regulation 9 of MSR.
- v. There are 20 sq.mt. demo room available against the requirement of 25 sq. mt. as per RMS.
- vi. Quality testing laboratory is not available.
- vii. Deliveries have not been conducted from Ist Jan.2017 to 31st Dec. 2017.”

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.

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

October 29, 2018
GD

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No