

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.27198 of 2018 (O&M)
DATE OF DECISION : 29.10.2018

Harmony Ayurvedic Medical College & Hospital Ferozepur 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 12.10.2018 passed by respondent No.1 denying permission to petitioner College to admit the students to 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 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 Council of Indian Medicine (hereinafter referred to as the C.C.I.M.) which are extracted here below :-

“ Teaching Staff :

- i. There is no higher faculty available in the department of Rog Nidanvum Vikriti Vigyan against the minimum requirement of 01.
- ii. There is no higher and lower faculty available in the department of Kriya Sharir against the minimum requirement of 01 each.
- iii. There is no Yoga Teacher against the minimum requirement of 01.

2. Non-Teaching Staff :

- i. There is no Museum Keeper in the department of Dravyaguna against the minimum requirement of 01.
- ii. There is no Attendant in the department of Swasthvritta/Agad Tantra against the minimum requirement of 01.
- iii. There is no attendant in clinical department against the minimum requirement of 02.
- iv. There is 01 multipurpose worker against the minimum requirement of 02.

3. Functionality of Hospital – Labour room is non functional and total number of deliveries conducted from 1st January to 31st December, 2017 are nil.

4. Hospital staff :

- i. Availability of Hospital staff is 76.78% against the minimum requirement of 80%.

- ii. There is no Medical Specialist, Surgical Specialist, Obstetrician, Pathologist, Anesthesiologist, Ophthalmologist, Pediatrician, Radiologist, Dentist, Physiotherapist and X-Ray Technician against the minimum requirement of 01 each.
 - iii. There is no House Officer available against the minimum requirement of 01.
 - iv. There is no peon in Clinical Lab and Teaching Pharmacy against the minimum requirement of 01 in each.
5. Availability of Instrument/equipment is less than 75% in following departments -
- i. Rasashastra and Bhaishajya Kalpana Laboratory.
 - ii. Dissection hall.
 - iii. Physiology (Kriya Sharir) Laboratory.
 - iv. Pharmacognosy Laboratory.
 - v. Rog-Vigyan (Pathology) Laboratory.
 - vi. Operation Theatre – Shalya, Shalakya.
 - vii. OPD Section.

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