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

+ LPA 306/2017 & CM APPL. 15875-15876/2017

BUDHI VIDHATA JAN KALYAN SAMITI Appellant

Through: Mr. Jasbir Singh Malik, Adv.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Rajesh Gogna, CGSC for R-1.

Mr. Jitendra Kumar with Mr. Kundan Kr.

Mishra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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02.04.2018

The appellant is aggrieved by the judgment of a Single Judge who rejected its claim in the writ petition for direction to quash an order of 28.09.2016. That order declined the petitioner's request for starting the Bachelor of Homeopathic Medicine and Surgery (BHMS course) for the Academic Year 2016-17, in a new College proposed to be styled as "B.V. Homeopathic Medical College" with an intake of 100 students per year.

The appellant's counsel submits that a fresh application for starting the Homeopathic College was made subsequent to the impugned rejection. According to him, the relevant academic and regulatory body is seized of the application and has processed it. It is further stated that the premises of the proposed College and other infrastructure have been inspected and that in the

circumstances, the observations of the Single Judge should not be construed as adverse or determinative. In other words, learned counsel submits that the Council should consider the request afresh, uninfluenced by the past events; in such event the appeal may be disposed of.

In view of the statement made, the Court is of the opinion that the impugned judgment to the extent it contains any endorsement of an earlier adverse comment should not be construed as determinative so as to impede the new application made by the applicant; the later applications for Academic Year 2018-19 shall be considered on its own merits and in accordance with law.

The appeal is disposed of in the above terms. All the pending applications also stand disposed of accordingly.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 02, 2018

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