

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18627 of 2019

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Salfia Unani Medical College and Hospital Dumduma, P.O. Laheriasarai, District-Darbhanga through its Principal, Dr Suleman Ahmad, Male, aged about 51 Years, Son of Late Mahboob Ali, resident of Mohalla-Khilalganj, P.S. Sasaram, District-Rohtas., Pin-821115.

... .. Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Ayurved, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH), Ayush Bhawan, B Block, GPO Complex, INA, New Delhi.
2. Under secretary, Ministry of Ayurved, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH) AYUSH Bhawan, B Block, GPO Complex, INA, New Delhi
3. Central Council of Indian Medicine through its Secretary, Ministry of Ayurved, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH) AYUSH Bhawan, B Block, GPO Complex, INA, New Delhi
4. President, Central Council of Indian Medicines, Ministry of Ayurved, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH) AYUSH Bhawan, B Block, GPO Complex, INA, New Delhi
5. Secretary, Central Council of Indian Medicines, Ministry of Ayurved, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH) AYUSH Bhawan, B Block, GPO Complex, INA, New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
UOI	:	Mr. S.D. Sanjay, Addl. Solicitor General
		Dr. Punam Kumari Singh, CGC
For CCIM	:	Mr. Janardan Prasad Singh, Sr. Advocate
		Mr. Arbind Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 17-10-2019 Heard learned counsel for the parties.

The petitioner-institution has approached this Court for quashing the order dated 05.07.2019 passed by the Ministry of Ayush, whereby the conditional permission granted to the petitioner-institution has been withdrawn.

Earlier the petitioner-institution prayed for a direction to the respondents to allow the petitioner to admit students for



the academic session 2019-20. After the order dated 27.9.2019 passed by this Court the Ministry of Ayush has filed counter affidavit. In the counter affidavit deficiency has been noted by the Hearing Committee of the Ministry of Ayush which is contained in Annexure-R/1 to the counter affidavit.

Mr. S.D.Sanjay, learned Additional Solicitor General submits that if the petitioner makes good the deficiency the Ministry of Ayush will take appropriate decision.

Mr. Abhinav Srivastava, learned counsel for the petitioner submits that all the deficiencies noted by the Hearing Committee has already been removed and the institution has fully complied with all the requirements. He submits that the Ministry of Ayush is relying upon the observation of the Hearing Committee to contend that several deficiencies are still subsisting whereas there is no deficiency subsisting as of now.

In the aforesaid circumstances, the Court directs the petitioner to submit details of compliance with necessary documents for verification of the Ministry of Ayush as to the removal of deficiency noted by the Hearing Committee within a period of one week from today, thereafter, the Ministry of Ayush will take step for verification of the compliance of deficiency within a fortnight from the date of receipt of letter of the



petitioner regarding removal of all the deficiencies. After verification the Ministry of Ayush will take appropriate decision in connection with grant of permission to the petitioner-institution at the earliest preferably within a period of fortnight from the date of verification. The Ministry of Ayush is to see that permission may be granted on compliance of deficiency. It is needless to state here that scrutiny of deficiency should be connected with the excellence of education.

It is made clear that the interim order passed earlier shall abide by the final outcome of the verification of the Ministry of Ayush. It is further made clear that the student should be told in advance about the order passed today at the time of admission in the institution in question. At the time of verification the Ministry of Ayush shall consider all the relevant documents including the recommendation of the Central Council of Indian Medicine.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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