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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 193 of 2017**

{Arising out of Order dated 29/11/2016 passed in Writ Petition (C) No. 2903 of 2016 by the learned Single Judge}

Union Of India Through The Secretary, Ministry Of Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homeopathy (AYUSH), Ayush Bhawan, B-Block, G.P.O. Complex, I.N.A. New Delhi, P. S. New Delhi 110023.

---- Appellant**Versus**

1. Maharana Pratap Homeopathy Medical College And Hospital Through The Director, Maharana Pratap Homeopathy Medical College And Hospital, Near Rishabh Enclave, Imlidih, New Rajendra Nagar, Raipur, District Raipur Chhattisgarh.
2. Central Council Of Homeopathy, Through The Secretary, Central Council Of Homeopathy, 61-65, Institutional Area, Opp. D Block Janakpuri, Delhi 110058.
3. State Of Chhattisgarh, Through The Secretary To The Govt. Of Chhattisgarh, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
4. The Director, Department Of Ayurveda, Yoga And Naturopathy, Unani Siddha And Homeopathy (AYUSH), Old Mantralaya Campus, D K S Bhawan Raipur, P. S. Moudahapara, District Raipur Chhattisgarh.
5. Ayush And Health Science University, Through The Registrar, Ayush And Health Science University, G. E. Road, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Appellant	: Mr. B. Gopa Kumar, Assistant Solicitor General
For Respondent No.1	: Mr. Anurag Dayal Shrivastava, Advocate
For Respondent/State	: Mr. Vikram Sharma, Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per P.R. Ramachandra Menon, Chief Justice****01/07/2019**

1. This appeal arises from the order dated 29/11/2016 passed by learned Single Judge in Writ Petition (C) No. 2903/2016. The writ petition was filed

with the following prays:-

(i) directing the Respondent No.1 to grant conditional recognition to the petitioner College as has been granted to similar situated Colleges and, consequently, permit the admission for the academic session 2016-2017.

(ii) to direct the Respondents to permit the Petitioner College to conduct the course of "Bachelor of Homeopathy and Medicine and Surgery" for the academic year 2016-2017.

(iii) any other relief, which the Hon'ble Court considers proper, may kindly be awarded.

2. The matter was considered by the learned Single Judge along with other similar matters, wherein almost similar reliefs were sought for.
3. The sum and substance of the case is that, in respect of admission for BHMS Courses for the academic session 2016-17, the respondents-institutions were not given time to cure the defects, particularly, in providing 'ECG machines' in the attached hospitals; whereas much indulgence was shown to other similarly situated institutions.
4. After hearing both the sides, the learned Single Judge observed that the order rejecting the recognition in respect of the writ petitioners-institutions for the session 2016-17 was not correct or sustainable and that the writ petitioners were also to be given time, as given to other institutions mentioned therein, particularly, in the light of the assurance and undertaking given, that the institutions would cure the defects within the time as given to others. It was accordingly, that the writ petitions came to be allowed permitting the institutions to pursue the admissions of students for the

session 2016-17, which in turn, is under challenge in this writ appeal.

5. When the appeal preferred by the Union of India was taken up for consideration on 23/06/2017, it was admitted and observed that since the Appellant had not sought for any interim relief, it shall comply with the judgment under challenge provisionally, subject to further orders. It is brought to the notice of this Court by the learned counsel representing the respondent-institutions that, pursuant to the interference made by this Court, the admissions were completed and the students are pursuing their studies. It is also stated that the defects were rectified by the institutions well within time and necessary inspection was conducted by the competent authorities. Pursuant to the inspection as aforesaid, permission was granted to the institutions to effect admission in respect of the subsequent years as well and that everything is going on smoothly; submits the learned counsel for the writ petitioners.
6. In the said circumstances, we are of the view that nothing remains to be adjudicated this matter. The appeal stands disposed off in terms of the interim order, which is made absolute and without prejudice to the rights of the petitioners to proceed with the admissions in so long as there is no legal hurdle.

Sd/-

(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE