

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 3088 OF 2018

Ayurvidya Prasarak Mandal ...Petitioner
Versus
The State of Maharashtra & ors. ...Respondents

Mr. Mihir Desai, Senior Advocate, I/b Mr. Sarnath Sariputta
Pramod, for the Petitioner.
Mr. H. S. Venegavkar, Addl. G.P., for Respondent nos.1 and
2/State.
Mr. Neel Helekar, for Respondent no.3.
Ms. Nisha Gandhi, I/b Res Juris, for Respondent no.4.

CORAM: R. M. BORDE &
N. J. JAMADAR, JJ
DATED: 30th JULY, 2019

Oral Order:-

1. Heard the learned Counsels appearing for the parties.
2. The petitioner is a registered society operating an Ayurvedic College and Hospital since 1954. The College has sanctioned strength of 60 students for the under graduation course, while the student strength for the post graduation course is 21. The instant petition relates to grant of approval to conduct new post-graduate courses in the subject of '*Prasuti tantra*' and '*Panchakarma*' with intake of six seats each.
3. The Respondent – University vide a communication

dated 20th December, 2017, recommended for grant of approval to operate new post-graduate courses in the subjects of '*Prasuti tantra*' and '*Panchakarma*' with intake of six seats each. The department of Medical Education and Drugs, vide communication dated 10th July, 2018, rejected the approval for starting two new post-graduate courses on account of deficiencies pointed out in the communication.

4. According to the petitioner, the deficiencies those are pointed out by the State Government in the communication dated 10th July, 2018, have been removed. The Counsel for the petitioner contends that the institution has complied with the requirements in relations to the academic matter as well as concerning the infrastructural needs prescribed by the Central Council of Indian Medicine ("CCIM"), in the regulations framed in that regard. Since the State Government has pointed out certain deficiencies, it is desirable to examine and confirm the contention of the petitioner as regards the removal of those deficiencies. The CCIM by its communication dated 30th May, 2019, accorded conditional approval for conducting three post-graduate courses and has also recommended the Government of India to permit additional intake of 60 students for under-graduate

course. A conditional recommendation is made by the CCIM under expectation that the shortcomings would be removed by the institutions within the prescribed time-frame.

5. Relying upon the communication dated 30th May, 2019, it is contended that there are no infrastructural deficiencies and those pointed out by the State Government are at variance in the requirements prescribed by the CCIM under regulation framed by it.

6. As we have recorded above, the issue has to be sorted out by the CCIM after conducting an inspection. In the circumstances, we direct the CCIM to conduct inspection as regards the infrastructural and academic facilities made available by the petitioner – institution, for operating two post-graduate courses in the subject of '*Prasuti tantra*' and '*Panchakarma*'. The CCIM shall conduct inspection of the facilities and specifically examine as to whether the deficiencies recorded in the communication issued by the State Government on 10th July, 2018, have been removed. The CCIM after conducting inspection shall transmit the report to the State Government to facilitate State to take review of its earlier decision.

7. On receipt of report from the CCIM, the State

Government shall reconsider its earlier decision communicated by the letter dated 10th July, 2018, as expeditiously as possible, preferably within four weeks from the date of receipt of report from the CCIM.

8. With the above directions, the writ petition stands disposed of.

9. All the parties concerned shall act on an authenticated copy of this order.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]