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

+ W.P.(C) 2488/2019 & CM APPLs. 11560/2019, 11561/2019,
11562/2019

**RAJIV GANDHI EDUCATION SOCIETY'S
AYURVEDIC MEDICAL COLLEGE**

..... Petitioner

Through: Mr.N. Hariharan, Sr. Adv. with
Mr. Amit Sahni, Mr. Anshul Bajaj and Ms.
Anamika, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Bhagwan Swarup Shukla,
CGSC for UOI with Mr. Sarvan Kumar,
Adv.

Ms. Archana Pathak Dave and Ms. Ankita
Chaudhary Rathi, Advs. for CCIM

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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12.03.2019

CM APPL. 11562/2019 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 2488/2019

3. Issue notice to the respondents to show cause as to why rule
nisi be not issued, returnable on 18th March, 2019.
4. Mr. Bhagwan Swarup Shukla, learned CGSC and Ms. Archana

Pathak Dave, Advocate accept notice on behalf of UOI and CCIM respectively.

5. Counter affidavit be filed within four weeks with advance copy to the petitioner, who may file rejoinder thereto, if any, within two weeks thereof.

CM APPLs. 11560/2019 & 11561/2019

6. The main grievance of the petitioner appears to be against Clause 8 of the Review Minutes of the Meeting of the CCIM/CCH conducted on 9th January, 2019 and annexed as Annexure P-1 to the writ petition. The said Clause reads thus:

“8. Inspection of five year permitted colleges:

The Council was advised to conduct surprise inspection on all colleges possessing five year permission. In case, NABH/NAAC accreditation has not been obtained by them, the 5 years permission may be reconsidered.”

7. The contention of Mr. N. Hariharan, learned Senior counsel for the petitioner, is that Regulation 3 (2) of the Minimum Standard Regulation (MSR) as notified on 7th November, 2016, does not even permit inspection to be conducted for this reason. The said regulation reads thus:

“3(2) After fulfilment of the requirement as per these regulations by the College, the permission shall be granted to undertake admission for a period of five years. The college shall be randomly inspected within the said period on receipt of any complaint or if from online Bio-metric attendance it is found that teaching, non-teaching staff, hospital staff nor present regularly or

hospital is not properly functional or otherwise as required by the Central government or by the Central Council.”

8. That apart, Mr. Hariharan, learned Senior Counsel, would contend that there is no requirement for the petitioner to obtain NAHB/NAAC accreditation and that, in fact, such accreditation is not being granted at all.

9. In the circumstances, Mr. Hariharan complains that the inspection of the petitioner premises, on a ground which is totally alien to the regulation and in stark violation of Clause 3 (2), is subjecting to the petitioner to needless prejudice.

10. Issue notice of these applications, returnable on 18th March, 2019.

11. The respondents are directed to be instructed on the above aspect.

12. The respondents are directed to file their response to these applications, if they so choose, so as to be on record prior to the next date of hearing.

13. It is made clear that these applications would be taken up and considered on the next date of hearing.

Dasti.

C.HARI SHANKAR, J

MARCH 12, 2019/dsn