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

+ LPA 187/2019 & C.M. No.12411/2019

UNION OF INDIA

..... Appellant

Through Mr. Dev P. Bhardwaj, CGSC with
Mr. Jatin Teotia, Advocate.

versus

DOON INSTITUTE OF MEDICAL SCIENCES & ANR..Respondent

Through Mr. S.S. Lingwal, Advocate for R-1.

Ms. Archana Pathak Dave, Advocate for R-2.

LPA 208/2019 & C.M. No.13716/2019

UNION OF INDIA

..... Appellant

Through Mr. Bhagwan Swarup Shukla, CGSC.

versus

DR VIJAY AYURVEDIC COLLEGE HOSPITAL & RESEARCH
CENTRE & ANR

..... Respondent

Through Mr. Neeraj Jain, Advocate for R-1.

Ms. Archana Pathak Dave, Advocate for R-2.

LPA 210/2019 & C.M. No. 13793/2019

UNION OF INDIA

..... Appellant

Through Mr. Bhagwan Swarup Shukla, CGSC.

versus

KVS INSTITUTE OF AYURVEDIC MEDICAL SCIENCE &
RESEARCH CENTRE & ANR

..... Respondent

Through Mr. Neeraj Jain, Advocate for R-1.

Ms. Archana Pathak Dave, Advocate for R-2.

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CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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21.08.2019

1. The appellant/Union of India is aggrieved by a common interim order dated 14.11.2018, passed by the learned Single Judge in a batch of writ petitions filed by the respondent/colleges, challenging the order passed by the Union of India declining them permission to grant admission to students of the BAMS and BHMS (UG) Course for the academic session 2018-2019. In the impugned order, relying on an order dated 11.10.2018, passed by a Coordinate Bench in **W.P. (C) No.10959/2018** entitled Beehive Ayurved Medical College and Hospital Vs. Union of India, permission was granted to the respondent/colleges to proceed with admissions in terms of the public notice dated 15.9.2018/27.9.2018, subject to the outcome of the writ petitions. Further, the respondent/colleges were permitted to file their response to the on-site reports/reports of the Local Commissioners, appointed in each case, to inspect the colleges in question.

2. The two-fold grievance of the appellant/Union of India is that while passing the interim order, the learned Single Judge has ignored the dicta of the Supreme Court in the case of Tamil Nadu Dr. MGR University Vs. SVES Educational & Social Trust, decided on 12.12.2018, wherein issuance of interim directions by the High Court, granting provisional admissions in the educational institutions had been deprecated and secondly, it has been urged that the learned Single Judge erred in appointing a Court Commissioner for

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an on-site inspection of the respondent/colleges as a Court Commissioner cannot be treated as an expert in the field.

3. Counsel for the parties state that the writ petitions are pending adjudication before the learned Single Judge and are listed on 31.10.2019. We are further informed that on the basis of the impugned order, the respondent/colleges have already granted provisional admission to the students for the Academic Session 2018-19, subject to the outcome of the writ petitions. It is thus stated that the present appeals have been rendered infructuous.

4. The said submission is however disputed by learned counsel for the appellant/Union of India, who state that irrespective of the provisional admission made by the respondent/colleges, the two issues raised above remain alive for consideration by the learned Single Judge at the time of addressing final arguments. It is sought to be clarified that the pleas taken in the present appeal to oppose the impugned order have already been taken in the counter affidavits filed by the Union of India in the respective writ petitions of the respondent/colleges.

5. That being the position, the present appeals are disposed of alongwith the pending applications with liberty granted to the appellant/Union of India to press the objections taken in the present appeals before the learned Single Judge at the time of addressing final arguments.

6. It is however clarified that in view of the decision of the Supreme Court referred to above, no equities shall flow in favour of the respondent/colleges

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on the basis of the provisional admissions granted to the students for the Academic Session 2018-19.



HIMA KOHLI, J



ASHA MENON, J

AUGUST 21, 2019
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