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

Date of Decision :08th December, 2020

+ W.P.(C) 9326/2020 & CM APPL. 30041/2020

INDIAN NATUROPATHY AND YOGA GRADUATES

MEDICAL ASSOCIATION (INYGMA) Petitioner

Through: Ms. Madhusmita Bora,
Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Anurag Ahluwalia, CGSC
with Mr. Abhigyan Siddhant,
Advocate for R-1 and 2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

J U D G M E N T

D.N.PATEL, Chief Justice (Oral)

The proceedings in the matter have been conducted through video conferencing.

1. This writ petition has been preferred with the following prayers:

“a) Issue a writ of Qua Warranto quashing the Office Order F. No. A. 11019/2/2018-E-I dated 18.10.2019; vide which the Respondent No.3 has been assigned the post of Adviser (additional post) under the Ministry of AYUSH; and

b) Issue an appropriate writ, order or direction declaring the assignment of additional charge of the post

of Adviser (Yoga and Naturopathy) to the Respondent No.3 as unsustainable and illegal; and

c) Issue an appropriate, writ, order or direction declaring all the proposals and signed documents by Respondent No.3 to be null and void while exercising the responsibility as an Adviser under Ministry of AYUSH; and

d) Issue any other writ, order or direction as may be deemed fit and proper in the facts and circumstances of this case and in the interest of justice;”

2. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that several grievances have been ventilated in this writ petition about the appointment of the respondent No.3 to the post of Adviser (Yoga & Naturopathy) in the Ministry of AYUSH.

3. Counsel appearing for the respondents submitted that vide communication dated 07th December, 2020, it has been stated that the charge which was given to Dr. Ishwar V. Basavaraddi - respondent No.3 is discontinued with effect from 21st September, 2020. The Office Order dated 07th December, 2020 issued by the Under Secretary, Government of India, Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy has been pointed out to this Court on screen during the course of hearing through video conference. The photocopy of the said communication be brought on the record of this Court with a copy supplied to the petitioner.

4. The aforesaid communication dated 7th December, 2020 reads as under:

“Reference is invited to Ministry of AYUSH’s Order

No.12024/01/2019-E-I(AYUSH) dated 01.06.2020 wherein the additional charge of the post of Adviser (Yoga & Naturopathy), Ministry of AYUSH was entrusted to Dr. Ishwar V. Basavaraddi, Director, Morarji Desai National Instituted of Yoga (MDNIY) with the approval of ACC for a period of six months w.e.f 21.03.2020 or till the appointment of a regular incumbent to the post or until further orders, whichever is earliest.

2. In pursuance of orders ibid, on completion of the tenure of six months and ACC's communication dated 27.11.2020, the additional charge assigned to the post of Adviser (Yoga & Naturopathy), Ministry of AYUSH to Dr. Ishwar V. Basavaraddi, Director, Morarji Desai National Instituted of Yoga (MDNIY) ceases w.e.f 21.09.2020.

3. This issues with the approval of the Competent Authority."

5. In view of the aforesaid communication dated 07th December, 2020, now the respondent No.3 is not holding the post of Adviser (Yoga & Naturopathy) in the Ministry of AYUSH, with effect from 21st September, 2020.

6. Hence, this writ petition has become infructuous and the same is therefore disposed of. Pending application also stands disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J.

DECEMBER 08, 2020/'j'