

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.207 of 2020

In

Civil Writ Jurisdiction Case No.23399 of 2019

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1. The Union of India through the Secretary, Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH), Ayush Bhawan, B-Block, GPO Complex, INA, New Delhi.
 2. The Under Secretary, Ministry of Ayurved, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH), Ayush Bhawan, B-Block, GPO Complex, INA, New Delhi.

... .. Appellant/s

Versus

1. Swami Raghwendracharya Tridandi Ayurved Mahavidyalaya Evam Chikitsalaya Karjara Gaya, through its Principal Dr. Bashisth Pandey, aged about 66 years, Male, son of Late Ram Pravesh Pandey, R/o Jeevak Bhawan, Dandi Bagh, P.S. Chandchoura Vishnupad, District-Gaya.
2. The Central Council of Indian Medicine through its Secretary, 61-65 Industrial Area, Opposite D Block Janakpuri, New Delhi.
3. The President, Central Council of Indian Medicine, 61-65 Industrial Area, Opposite D Block Janakpuri, New Delhi.
4. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
5. The Special Secretary, Health Department, Govt. of Bihar, Patna.
6. The Bihar Combined Entrance Competitive Examination Board (BCECEB), IAS Association Building, Near Patna Airport through its Secretary.
7. The Officer on Special Duty, Bihar Combined Entrance Competitive Examination Board (BCECEB), IAS Association Building, Near Patna Airport, Patna.
8. B.R.A. Bihar University, Muzaffarpur through its Registrar.
9. The Registrar, B.R.A. Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satyavrat Verma, Adv
For the Respondent/s : Mr. S.D. Yadav (AAG9)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Date : 29-07-2021

Heard learned counsel for the parties.

Being aggrieved by judgement and order dated 18.12.2019 passed in C.W.J.C. No.23399 of 2019 passed by learned Single Judge of this Hon'ble Court, appellant/Union of India has preferred this L.P.A.

Briefly stated the facts of the case is that Swami Raghwendracharya Tridandi Ayurved Mahavidyalaya Evam Chikitsalaya Karjara, Gaya was granted conditional permission to admit 40 students in under Graduate Bachelor of Ayurvedic Medicine and Surgery course for the academic sessions 2019-20 by the Ministry of AYUSH, Government of India and same was intimated to the Government of Bihar as well as Bihar Combined Entrance Competitive Examination Board which conducts counselling for admission in various colleges in the State of Bihar which includes Government colleges as well as private colleges.

Ministry of AYUSH, Government of India had fixed 15.10.2019 as cut off date for admission in P.G. and UG courses and same was intimated to the Government of Bihar through a communicated dated 30.09.2019. Government of

Bihar had asked the examination Board to conduct counselling for admission but no such request was made for the petitioner's college and, as such, no counselling was held for admission against the aforesaid 40 seats despite permission being granted by Ministry of Ayush, Govt. of India. Subsequently, request was made by Government of Bihar for extension of time for counselling with respect to petitioner's college but no response was received from the AYUSH Ministry, Government of India.

During pendency of writ petition, AYUSH Ministry, Government of India communicated that cut off date for admission for Sessions 2019-20 was up-to 15.10.2019 and Ministry is not in a position to extend the cut off date for admission. There is uniform cut off date for admission throughout the country and as such same cannot be extended.

BCECEB submitted before the writ court that it was unable to hold counselling of the petitioner's college because of lack of information by the State. It was stand of the State that on account of extraordinary flood situation within the State of Bihar, necessary communications could not be made to BCECEB within time for holding counselling for admission in petitioner's college and as such request was made by letter dated 28.10.2019 to Ministry of AYUSH, Govt. Of India, for

extension of time for admission in the college which was denied.

The writ court held that there was no fault or laches by the petitioner's college on account of which counselling could not be held for admission in the College against 40 seats although permission was granted by the Ministry of AYUSH, Govt. of India and last date for admission was 15.10.2019 but State of Bihar failed to give name of the petitioner's college within time for counselling to the BCECEB, as a result of which no counselling could be done in respect of petitioner's college. The writ court has further held that in past also under special circumstances Ministry of Ayush, Govt. of India, has extended the date of admission and directed Ministry of Ayush, Govt. of India, to extend the date for admission in private colleges in the State of Bihar upto 31st December, 2019 and operative part of the order of writ court reads as follows:-

“26. In the peculiar facts and circumstances of the case as noted above, the Court directs the Ministry of AYUSH to extend the cut-off date for admission in privately managed Colleges in the State of Bihar up to 31st of December, 2019. The order has been passed in the presence of learned Additional Solicitor General for India assisted by Mr. Satyavarat Verma, learned Central Government Counsel. The State Government of Bihar will make necessary arrangements with the BCECEB to ensure

that the process of counselling is undertaken for private Colleges in the State of Bihar for admission to the Course in question. It is reiterated that this order is confined to admission to Courses in private Colleges in the State of Bihar, which could not be held because of admitted fault/laches on the part of the respondents.

27. This application is allowed with the observation and direction as stated above.”

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.

The LPA is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA