

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 5009 of 2021

Kuleshwar Belsariya S/o B. S. Belsariya, Aged About 24 Years, R/o Village Rokel, Post Rokel, Tahsil Chhindgarh, District Sukma, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health, Family Welfare And Medical Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.
2. Central Council Of Indian Medicine Through The Secretary Central Council Of Indian Medicine, A Statutory Body Under The Ministry Of AYUSH, Government Of India, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopath Anusandhan Bhawan 61-65, Institution Area, Janakpuri D Block, New Delhi -110058
3. Pandit Deendayal Upadhyay Smriti Aayush And Health Science University, Through The Registrar, Pandit Deendayal Upadhyay Smriti Aaysh And Health Science University, GE Road, Raipur, District Raipur, Chhattisgarh.
4. Vice - Chancellor, Pandit Deendayal Upadhyay Smriti Ayush And Health Sciences University, GE Road, Raipur, District Raipur Chhattisgarh.
5. Government Ayurved College Bilaspur Through The Principal, Government Ayurved College, Bilaspur, District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Vikas Dubey, Advocate.
For State	:	Shri Ashish Tiwari, Govt. Advocate.
For respondents 3 & 4	:	Shri Ajay Kumar Dwivedi, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

08.12.2021

Heard.

1. It is submitted by learned counsel for petitioner that the petitioner is a student of BAMS First year. The petitioner was infected by corona virus in the month of July, 2021, regarding which documents have been submitted, the investigation report (Annexure-P/1) along with the treatment prescribed. The examination was scheduled by the University in BAMS course in the month of July. The petitioner although appeared therein, but he could not clear all the subjects and he has failed in three subjects. It is submitted that looking to the situation prevailing due to corona pandemic the petitioner could not make preparation for the examination as he would have prepared in other times.
2. It is submitted that in the notification issued by the Indian Medical Central Council (Minimum Standards of Education in Indian Medicine) Regulations, 1986 as amended in the year 2016, proviso to regulation 6(4)(d) provides, that in case of any personal illness of a student and in any unavoidable circumstances, the Vice-Chancellor of the concerned University may provide one more chance in any of the four professional examinations. The petitioner is praying for invoking of this provision and for appropriate orders. In similar case, Shri Krishna Ayush University Kurushetra has issued notification dated 27-07-2021 (Annexure-P/5) granting opportunity to the students to appear in the examination. Hence, the petitioner seeks similar relief and prays that respondents No.3 and 4 be directed to take decision on the basis of the provision mentioned here-in-above.
3. The State counsel appearing for respondent No.1 opposes the submission.
4. Learned counsel representing for respondents No.3 and 4 opposes the submission. However, he submits that this case may be disposed off with direction.
5. Considered on the submissions and perused the documents filed along with the petition. This petition is disposed off at motion stage. That, the petitioner, in respect of his claim is at liberty to file a fresh

representation within a period of 10 days from today supported with all relevant documents and records. The respondents No.3 and 4 are directed to consider the representation filed by the petitioner in the light of the proviso to regulation 6(4)(d) of the Indian Medical Central Council (Minimum Standards of Education in Indian Medicine) Regulations, 1986 as amended in the year 2016 and pass appropriate order in accordance with law within a further period of 15 days from the date of receipt of fresh representation. With these observations, the petition is disposed off.

Sd/-
(P. Sam Koshy)
Judge

Khatai