

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: July 26, 2021

+ W.P.(C) 837/2021, CM Nos. 2139-2140/2021, 9482/2021

ANIL KUMAR SINGH BHADORIA

..... Petitioner

versus

UNION OF INDIA & ANR.

..... Respondents

AND

+ W.P.(C) 1113/2021, CM No. 3103/2021

DR BHUPINDER AND OTHERS

..... Petitioners

versus

UNION OF INDIA AND OTHERS

..... Respondents

AND

+ W.P.(C) 1155/2021, CM No. 3272/2021

DR. SANDIP LIPANE

..... Petitioner

versus

CENTRAL COUNCIL OF INDIAN MEDICINE
& ANR.

..... Respondents

AND

+ W.P.(C) 1158/2021, CM No. 3275/2021

DR. SATISH JAISWAL

..... Petitioner

versus

CENTRAL COUNCIL OF INDIAN MEDICINE
& ANR.

..... Respondents

AND

+ W.P.(C) 1214/2021, CM No. 3393/2021

DR. RASHMI PATHAK

..... Petitioner

versus

CENTRAL COUNCIL OF INDIAN MEDICINE

& ANR. Respondents

AND
+ W.P.(C) 1215/2021, 3396/2021
DR. JAGDISH DESHMUKH Petitioner
versus
CENTRAL COUNCIL OF INDIAN MEDICINE
& ANR. Respondents

AND
+ W.P.(C) 1226/2021 & 3452/2021
DR DIGAMBER NARTAM & ORS. Petitioners
versus
CENTRAL COUNCIL FOR INDIAN MEDICINE
& ORS. Respondents

AND
+ W.P.(C) 1271/2021, CM No. 3539/2021
DR USHARANI B J & ANR. Petitioners
versus
CENTRAL COUNCIL FOR INDIAN MEDICINE
THROUGH: ITS CHAIRMAN MEMBER SECRETARY
& ORS. Respondents

AND
+ W.P.(C) 1339/2021, CM No. 3759/2021
DR. RAJENDRA BABAN KHEDEKAR Petitioner
versus
UNION OF INDIA & ANR. Respondents

AND
+ W.P.(C) 1352/2021, CM No. 3796/2021
DR MADHAVI V JAGTAP AND ANR Petitioners

versus
UNION OF INDIA AND ANR Respondent

AND
+ W.P.(C) 1373/2021, CM No. 3884/2021
DR SUNITA DWIVEDI Petitioner
versus
CENTRAL COUNCIL FOR INDIAN MEDICINE
& ORS. Respondents

AND
+ W.P.(C) 1855/2021, CM No. 5366/2021
DR. APARNA V TAMHANEKAR Petitioner
versus
CENTRAL COUNCIL FOR INDIAN MEDICINE
& ORS. Respondents

AND
+ W.P.(C) 1870/2021, CM Nos. 5400-5401/2021
DR KALPANA M JAISWAL & ORS. Petitioners
versus
CENTRAL COUNCIL FOR INDIAN MEDICINE
& ORS. Respondents

AND
+ W.P.(C) 1881/2021, CM Nos. 5472/2021, 5473/2021
DR VIVEK SHAMKANTVADJIKAR & ANR. Petitioners
versus
CENTRAL COUNCIL FOR INDIAN MEDICINE
& ORS. Respondents

AND
+ W.P.(C) 2351/2021, CM Nos. 6873-6874/2021
DR SUDEEP KUMAR BRAHMA & ORS. Petitioners

versus

CENTRAL COUNCIL FOR INDIAN MEDICINE THROUGH: ITS
CHAIRMAN MEMBER SECRETARY & ORS. Respondents

AND

+ W.P.(C) 2621/2021, CM No. 7768/2021

MAHESHWAR Petitioner

versus

UNION OF INDIA AND OTHERS Respondents

AND

+ W.P.(C) 2762/2021, CM No. 8311/2021

DR. DHIRAJ GOVINDRAO JANGALE AND ORS. Petitioners

versus

UNION OF INDIA AND OTHERS Respondents

AND

+ W.P.(C) 4167/2021, CM No. 12680/2021

DR MILIND DESHMUKH & ANR. Petitioners

versus

UNION OF INDIA THROUGH: THE SECRETARY, MINISTRY OF
AYUSH, GOVERNMENT OF INDIA & ORS. Respondents

AND

+ W.P.(C) 4234/2021

DR SHEETAL SHARMA & ORS. Petitioners

versus

UNION OF INDIA, MINISTRY OF AYUSH THROUGH: ITS
SECRETARY & ORS. Respondents

AND

+ W.P.(C) 4263/2021, CM No. 12970/2021

DR. DEEPAK CHAUDHARY & ORS.

..... Petitioners

versus

UNION OF INDIA & ORS.

..... Respondents

AND

+ W.P.(C) 4518/2021, CM No. 13802/2021

DR DILIP PRALHAD TELI AND OTHERS

..... Petitioners

versus

UNION OF INDIA AND OTHERS

..... Respondents

Through: Mr. Sandeep Sethi and Mr. A. Mariarputham, Sr. Advs. Mr. Siddharth Gupta, Mr. Avneesh Arputham, Mr. Vikas Sethi, Mr. Md. Zunaid Altamis, Mr. Saurabh Dutta, Mr. Animesh Kumar, Mr. Nishant Kumar, Mr. Ambuj Dixit, Ms. Utkarsha Sharma, Ms. Shweta Singh, , Mr. Siddharth Sharma, Mr. Amit Khemka, Mr. Rishi Sehgal, Mr. Midhun Aggarwal, Mr. Jasbir Singh Malik, Mr. Kanwar Udai Bhan Singh Sehrawat and Mr. Akshay Bansal, Advs. for petitioners.

Ms. Archana Pathak Dave, Mr. Kumar Prashant, Ms. Vanya Gupta and Mr. Pramod Kumar Vishnoi, Mr. Shashank Bajpai, Sr. Panel Counsel, Mrs. Shakun Sudha Shukla, Ms. Monika Arora, CGSC, Mr. Shriram Tiwary, Ms. Aakanksha Kaul, Mr. Manek Singh, Mr. Manish Mohan, CGSC, Ms. Manisha Saroha, Mr. Avnish Singh, Ms. Pushplata Singh, Ms. Sumanlata Gautam, Mr. Farman Ali, Mr. Athar Raza Farooquei, Mr. Vijay Joshi, Sr. Panel Counsel, Mr. Neeraj, Mr. Sahaj Garg, Mr. Rudra Paliwal, Mr. Vedansh Anand, Mr. Sanjeev Sabharwal, Sr. Panel Counsel, Mr. Jivesh Kumar Tiwari, Sr. Panel Counsel, Mr. Santosh Kumar Pandey, Mr.

Harish Kumar Garg, Ms. Payal Aggarwal, Mr. Rajesh Kumar, Sr. Panel Counsel, Mr. Satya Ranjan Swain, Central Govt. Sr. Panel Counsel, Mr. Soumendu Mukherjee, G.P., Mr. Kautilya Birat, Mr. Akshay Amritanshu, Mr. Vikrant N. Goyal, Mr. Suraj Kumar, Mr. Alok Singh, Sr. Panel Counsel, Mr. Vijayender Kumar, Mr. Dhruv Kapur, Mr. Maharshi Kaler, Mr. Tanveer Ahmed Ansari, Mr. Naginder Benipal, Sr. Panel Counsel, Ms. Rupali Kapoor, Govt. Pleader and Ms. Harithi Kambiri, Advs. for respondents.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T

V. KAMESWAR RAO, J

CM No. 5401/2021 (for exemption) in W.P.(C) 1870/2021

CM No. 5473/2021 (for exemption) in W.P.(C) 1881/2021

CM No. 6874/2021 (for exemption) in W.P.(C) 2351/2021

CM No. 13803/2021 (for exemption) in W.P.(C) 4518/2021

Exemption allowed subject to all just exceptions.

Applications are disposed of.

W.P.(C) 837/2021

W.P.(C) 1113/2021

W.P.(C) 1155/2021

W.P.(C) 1158/2021

W.P.(C) 1214/2021

W.P.(C) 1215/2021

W.P.(C) 1226/2021

W.P.(C) 1271/2021

W.P.(C) 1339/2021

W.P.(C) 1352/2021

W.P.(C) 1373/2021

W.P.(C) 1855/2021

W.P.(C) 1870/2021

W.P.(C) 1881/2021

W.P.(C) 2351/2021

W.P.(C) 2621/2021

W.P.(C) 2762/2021

W.P.(C) 4167/2021

W.P.(C) 4234/2021

W.P.(C) 4263/2021

W.P.(C) 4518/2021

1. Vide this common order I shall decide the above petitions impugning the communications/orders dated January 14, 2021 and January 15, 2021 issued by the Central Council of Indian Medicine ('CCIM', for short) / arrayed as a respondent in all the above captioned writ petitions.

2. The petitioners, in all these petitions are teaching faculties at various Ayurvedic colleges recognised by the CCIM.

3. The factual background common to all the petitions filed are as follows. Respondent CCIM is an expert statutory body constituted under the Indian Medicine Central Council Act, 1970 ('CCIM Act', for short) vide gazette notification extraordinary part (ii) Section 3 (ii) dated August 10, 1971; as the statement of Objects and Reasons of the CCIM Act provided that considering the issues related to the Indian system of medicine and Homeopathy it was recommended that a statutory Central Council on the lines of the Medical Council of India for modern system of medicine was a *pre-requisite for the proper development of these systems of medicine*.

4. Since its establishment in 1971, the CCIM has been framing and implementing various regulations including the Curricula and Syllabii in Indian Systems of Medicine viz. Ayurved, Siddha and Unani Tibb at Under-graduate and Post-graduate level. The main objectives of the Central Council are (a). to prescribe minimum standards of education in Indian System of Medicine viz. Ayurved,

Siddha, Unani Tib. and Sowa Rigpa; (b). To recommend Central Government in matters relating to recognition (inclusion/withdrawal) of medical qualifications in/from Second Schedule to Indian Medicine Central Council Act, 1970; (c). *To maintain a Central Register of Indian Medicine and revise the Register from time to time*; (d). To prescribe Standards of Professional Conduct, Etiquette and Code of Ethics to be observed by the practitioners; (e). To consider and furnish the recommendation to Government of India on proposal received from various institutes from Government of India for establishment of new colleges of Indian Systems of Medicine, to increase intake capacity in Undergraduate, Post-graduate and to start new or Post graduate additional subjects.

5. Section 36 of the CCIM Act under Chapter IV grants power to the CCIM to make regulations with the previous sanction of the Central Government to carry out the purposes of the Act. In pursuance thereof, Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda College and attached Hospitals) Regulations 2016 ('Regulation of 2016', for short) was framed by CCIM with the previous sanction of the Central Government, to regulate the requirement of colleges for education in Ayurveda system of medicine.

6. The Regulation 3(1)(f) of Regulations of 2016 requires CCIM to Certify that the teaching faculty present in a college is not working at any other place. Therefore, as per the said regulation it is the duty of the CCIM to check that a teaching faculty who has shown himself to be teaching at a particular college is not merely an

‘On Paper Teacher’. I shall, for convenience, reproduce the said Regulation as under:

“3. Requirements of Minimum Standard to grant of permission-

(1) (a) The Ayurveda colleges established under section 13A and existing under section 13C of the Act and their attached hospitals shall fulfill the requirements of minimum standard for infrastructure and teaching and training facilities referred to in the regulations 4 to 11 upto the 31st December of every year for consideration of grant of permissions for undertaking admissions in the coming academic session;

(b) the Central Council shall visit the college suo moto three months before the expiry of permission;

(c) the proforma of visit as prescribed by the Central Council on its website shall be filled online by the colleges and visitors respectively followed by submission of a hard copy of the same as per visitors guidelines issued by Central Council from time to time;

(d) the videography and photography of staff and infrastructure during the visit shall be made by the visitors and submitted along with detailed report and observations to the Central Council;

(e) after submission of online detailed report and observations by the visitors to the Central Council, the Central Council shall submit its recommendation along with detailed report to the Central Government within a period of one month from the submission of report by the visitors;

(f) the Central Council shall certify that teaching faculty present in the college is not working at any other place;

(g) the position prevailed on the date of visit to assess the fulfilment of requirements as specified in these regulations except sub-regulation (2) of regulation 7 shall be taken into consideration for grant of conditional permission or permission for a period of five years to the colleges.”

7. The petitioners in all these writ petitions are aggrieved by orders dated January 14, 2021 and January 15, 2021(‘Impugned Orders’, for short), as applicable, by which CCIM has decided not to certify them under Regulation 3(1)(f) of Regulations of 2016.

8. The impugned orders record that CCIM was faced with complaints about ‘On Paper Teachers’ i.e., that a number of teachers in Ayurveda Colleges are not in fact teaching in the colleges in question, and are shown as faculty members merely on paper whereas they are physically practicing and working for gain at a different venue / place. It appears that a decision was taken by the Board of Governors of CCIM on October 19, 2020 against several faculty members of Ayurveda Colleges to the effect that the presence of said teachers at the concerned college was not proved. An order dated November 24, 2020 was thereafter passed withdrawing the teacher’s code of the concerned persons including the petitioners for a period of 10 years.

9. Several of the aggrieved teachers, including the petitioners, thereafter made representations to CCIM which were considered and the impugned orders dated January 14, 2021 and January 15, 2021 have been passed upon those representations, superseding the order dated November 24, 2020.

10. Against this backdrop, I shall now deal with the following writ petitions. At the outset I may state that since the stand/grounds taken by the petitioners in all the writ petitions herein and the timeline with regard to issuance of various letters / office orders leading to the issuance of impugned orders by CCIM are similar, I shall be elaborating the same in only in W.P.(C) 2621/2021. Thereafter, for the sake of brevity, I intend to highlight only the varied fact circumstances and additionally pleas resorted to in all the other writ petitions.

11. I may also note that in W.P.(C). 1113/2021, prior to clubbing of these petitions, a coordinate bench of this Court vide order dated January 29, 2021 had granted ex-parte interim stay against the impugned orders.

W.P.(C) 2621/2021

12. This petition has been filed 29 petitioners who were engaged with the respondent No.4 /Sanskriti Ayurvedic Medical College and Hospital, 28 K M Stone NH-9 Chatta, Mathura, Uttar Pradesh, as Doctors and are aggrieved by the impugned orders.

13. It is the case of the petitioner No.1 herein that he obtained his BAMS Degree in 2011 and M.D. (Panchkarma) in 2019. He is registered with the Bharatiya Chikitsa Parishad, Uttarakhand in 2012. It is also stated that petitioner No. 1 submitted an Application for Central Registration to the CCIM along with his detailed particulars which is pending till date.

14. It is stated that Petitioner No. 1 in light of his academic brilliance, past work experience and good qualifications was

appointed to the post of Assistant Professor in the Department of Panchkarma of respondent No. 4 and pursuant to the same, he joined on 01.01.2020. Petitioner No. 1 submitted an Application for Registration with the Board of Ayurvedic and Unani Tibbi System of Medic, Uttar Pradesh along with his detailed particulars and the same is pending till date. In the meantime, CCIM issued a letter dated July 13, 2020, in view of the ongoing Covid-19 pandemic, to the Principal/ Dean/Director of all Ayurveda Siddha Unani and Sowa Rigpa colleges, including the respondent No.4 herein, requesting *inter alia* to upload and submit hard copies of the notarized undertaking/affidavit, indemnity bond and other documentation of teaching faculty to the CCIM in the prescribed format for processing the inspection of the institution.

15. It is stated that the petitioner No. 1, in pursuance thereof, submitted the notarized affidavit as prescribed by the CCIM containing *inter alia* his detailed particulars regarding educational qualifications, job experience, and residential address.

16. It is further stated by the petitioner No.1 that thereafter, the CCIM sent an email to the petitioner that since he is registered with the Bharatiya Chikitsa Parishad, Uttarakhand and working with respondent No.4 in Uttar Pradesh, to upload his selfie with Geo tagging or captured in front of any Government office indicating the place/town/city as part of a routine verification. Subsequent thereto, the CCIM issued an e-mail dated October 01, 2020 to petitioner No. 1, bearing Ref No. 26-74/2018-(Common Matters), directing the petitioner(s)/teachers to submit proof regarding at least 7 criteria out of total 12 enlisted criteria such as utility bills, purchase of

consumables, payment of rent, proof of travel from residence to college etc.

17. It is, therefore the common case of the petitioners that even after they submitted their responses along detailed proof regarding residence and teaching, without appreciating the detailed proof, documents and evidence submitted by the petitioners, CCIM passed an order dated November 24, 2020 taking a view that the petitioners are not undertaking actual teaching work in the college and debarring the petitioners from teaching for a period of 10 years.

18. It is averred by the petitioners that the order dated November 24, 2020 was passed with complete non-application of mind as the same letter with the same wording was used for debarring all other similarly placed teachers and no specific reasons for rejection of evidence submitted by the petitioners was given. Moreover, it is also their case that CCIM had no jurisdiction to pass such an order since the disciplinary powers vest with the State Councils.

19. Owing to the large number representations preferred by the aggrieved teachers including petitioners herein against the erroneous and arbitrary findings against them and the debarment, the CCIM was compelled to constitute a Grievance Redressal Committee to look into the representation of teachers. The CCIM vide communication dated December 04, 2020 permitted the teachers to submit detailed representations to Grievance Redressal Committee by December 07, 2020.

20. It is stated that the petitioner Nos.1-3 herein furnished detailed proofs regarding teaching and residence to the CCIM *inter*

alia Voter ID, Sarpanch Verification, utility bills of electricity, travel documents, local purchases, hospital OPD card, Bank Account statement, gas card details, Marriage photographs etc. (**Annexures P 9- P11**). CCIM vide e-mail dated December 08, 2020 informed the petitioners that the representation along with the documents would be placed before the Committee and a final decision would be passed thereafter.

21. Subsequently, the CCIM vide the impugned orders withdrew its earlier order dated November 24, 2020 whereby the earlier view taken by it that the petitioners are not actually undertaking teaching in the college was withdrawn and cancelled, but on the other hand, passed an order denying certification to petitioners that they are not teachers in *any other college* in terms of Regulations 3(1)(f) of the Regulations of 2016 without giving specific reasons for denial of such certification. The impugned order also recalled the earlier order dated November 24, 2020 de-barring the petitioners for 10 years and withdrawal of their respective Teacher Code.

22. It is the case of the petitioners that if the initial enquiry was in the context of their physical presence in the locality of the college and whether teaching was being undertaken by them in the college, the impugned orders, however, are passed on a different issue i.e., whether they are teachers in different colleges and it cannot be certified that they are not working in any other college. It is also stated that in the past years, the petitioners were duly certified under Regulation 3(1)(f) of Regulations of 2016 and there have been no change of circumstances till date.

23. That apart, it is stated even before the petitioners were issued the impugned orders, the concerned college where the teacher is teaching received deficiency letters from the CCIM stating that there is a shortfall of teachers in that college as per the requirements and granting a hearing date. This itself shows the pre-determined nature of the inquiry conducted by the CCIM which is a gross violation of principles of natural justice. Moreover, the respondent No. 4 where the petitioners are working had been denied permission for admission of students vide order dated February 03, 2021 by the respondent No.1 primarily due to non-certification of petitioners by the CCIM.

24. The petitioners by relying upon **Annexure P-16**, stated that other doctors/teachers in the same respondent No.4 College, were certified by CCIM on the basis of similar evidence placed by petitioners to the CCIM. By relying upon **Annexure P-17**, it is also stated that number of teachers of the respondent No.4 College who are not registered in the state of Uttar Pradesh have been certified by the CCIM. Further, it is submitted that one of the teachers of the respondent No. 4 College, namely, Tanvi Jaywant Kakade, was certified by the CCIM vide communication dated January 5, 2021. However, she has still been included in the list of teachers not certified by the CCIM in the denial order dated February 03, 2021(**Annexure P-14**) issued to the respondent No. 4 College.

25. It is also stated by the petitioners that the Uttarakhand High Court in **WPSB 517/2021** titled **Arvind Kumar Dubey and Ors. v. Union of India and Ors.** dated January 21, 2021; the Chattisgarh High Court in **WPC No. 741 of 2021** vide Order dated February 11,

2021 and a coordinate Bench of this Court in ***WP (C) No. 1113 of 2021*** titled ***Dr. Bhupinder & Ors. v. Union of India and Ors.***; have granted stay of the identical impugned orders in writ petitions filed by similarly placed teachers/doctors.

26. It is stated by the petitioners that the CCIM has no jurisdiction to carry out disciplinary proceedings against the petitioners and as the same vests only with the State Council. It is also stated that the impugned orders are based solely on non-certification by CCIM of the existing teachers of the petitioner College under Regulation 3(1)(f) of Regulations of 2016 and that the said regulation, deals with teachers actually present in the college meaning thereby that they are teachers of the college but there is a doubt as to whether they are also claimed as teachers by some other college. In other words, it is stated that the limited power given to the CCIM under the said regulation is to verify whether a teacher is actually present in the college on the date of the inspection and to verify whether the same teacher is claimed to be a teacher by any other institution. Thus, it is the case of the petitioners that the refusal of CCIM not to certify the petitioners under the said regulation is based on no material and is wholly arbitrary and whimsical, violative of Article 14 and Article 19 of the Constitution of India.

27. It is averred by the petitioners that the object of the provision is to prevent different institutions claiming an individual to be a teacher in their college. This power given is a limited one of scrutiny and is entrusted to the CCIM as it would have the

necessary data base of all the colleges and persons who according to the colleges are their teachers.

28. It is also averred that the CCIM has completely misunderstood the scope of Regulation 3(1)(f) of Regulations of 2016 and has undertaken a totally different enquiry ending up passing an order not connected with the enquiry undertaken and further threatening the teachers with criminal action which is not within the scope of its powers under Regulation 3(1)(f). It is submitted that no decision under Regulation 3(1)(f) can be made without asking the college concerned which has made the application for renewal of annual permission.

29. It is also averred by the petitioners that CCIM has no disciplinary jurisdiction over a Doctor even if he is registered with the Central Council. The disciplinary jurisdiction then also is with the State Councils and for initiating any disciplinary action a detailed procedure is laid down. Thus, it is the case of the petitioners that the CCIM has usurped the jurisdiction of State Councils by issuing the impugned orders.

30. That apart, it is stated by the petitioners that vide the impugned orders which are not reasoned orders, petitioners have been denied their livelihood in an arbitrary manner. It is stated that the petitioners had in fact submitted their biometric attendance and newly signed attendance logbooks in addition to number of evidences thereby to establish their physical presence in the concerned college and that they had been discharging their duties as a teacher / faculty diligently. Since evidences have been produced, it is stated by the petitioners that the burden of proof is on CCIM

for taking the impugned action beyond reasonable doubt. In the present case, it is stated that the CCIM has acted on mere surmises, suspicion and has failed to show any categorical evidence to prove that petitioners were not teacher faculties at the respondent No.4 College. Thus, petitioners' claim, not only has CCIM failed to produce any evidence but also has completely ignored the evidences furnished by the petitioners, resulting in the issuance of the impugned orders with malafide intention and arbitrariness.

31. It is further stated that many petitioners had applied for central registration and that the said applications were pending with CCIM for many years without any decision till date. Therefore, during the pendency of the same, CCIM cannot restrict Ayurvedic teachers from teaching in a college outside the State of their registration and arbitrarily cast aspersions on them by accusing them of fraudulent activity causing irreparable loss to their livelihood.

32. With regard to the e-mail dated October 1, 2020 issued by CCIM it is stated that the said e-mail enlisted 12 criteria and sought information from the petitioners out of which any seven was deemed to be sufficient by the CCIM. No proof regarding teaching, residence or Government identification were sought. Information regarding travel from residence to college, information regarding spouse and children were sought from the petitioners by CCIM. In this regard it is stated that petitioners who were residing in the respondent No.4 college campus and similarly petitioners who were unmarried or did not have children etc. were unable to produce proof for the same. Further, there was no reasoning given as to why

there was a minimum requirement of meeting 7 out of 12 parameters. These 12 parameters were only regarding the physical availability of the teacher in the locality and not whether he / she is actually teaching or not and that there was no evidence sought by the CCIM of actual teaching in the college.

33. It is also stated that mandatorily asking for seven out of 12 criteria especially during the COVID-19 pandemic situation was *ex-facie*, arbitrary and illogical and CCIM has conducted nothing but a fishing and roving enquiry. It is stated that the initial enquiry started by CCIM was in the context and relation to the physical presence of the petitioners in the locality of the college and teaching undertaken by them in the college. Whereas the impugned order is passed on a different issue, i.e., whether they are teachers in different colleges and that it cannot be certified that they are working in any other college. Moreover, according to the petitioners' respondent authorities never sought information from the colleges to verify whether they are teaching in the said college.

34. Counter-affidavit has been duly filed on behalf of CCIM. It is stated by CCIM that in view of Regulation 3(1)(f) of the Regulations of 2016, CCIM is required to maintain the standard of Indian system of medicine, which includes the duty to check that a teaching faculty who has shown himself to be teaching at a particular college is not merely an 'On Paper Teacher'. It is stated that CCIM has been receiving numerous complaints from students of different colleges with regard to on the paper teachers who are merely present on paper and are physically practicing and working for gain at a different venue / place. The said 'On Paper Teachers'

in connivance with defaulting / deficient colleges are indulging in this illegal activity so as to get recognition for bachelors and post-graduate Ayush courses by portraying themselves to be compliant of the RMS requirements. It is stated that the disadvantage of such activities has been faced by students who take admissions in such deficient colleges and unknowingly get subjected to such unequipped and half-baked teachers. In this regard, reliance has been placed on the Apex Court Judgment in ***Medical Council of India v. Chairman, S.R. Educational and Charitable Trust and Anr., Civil Appeal No. 10372/2018.***

35. It is stated by CCIM that from time-to-time steps have been taken by it to curb the menace of on paper teachers. It introduced an Online Teacher Management System ('OTMS', for short) wherein every teacher who is employed with a college has to register himself or herself and create a profile. On creation of the said profile every teacher is provided with a unique teacher code and CCIM provides password to the teachers who are supposed to mandatorily keep their profile updated mentioning therein their current employment & location etc. Teachers on resigning or being relieved from a college has to update the same on OTMS platform.

36. It is stated that apart from OTMS, CCIM promulgated the Practitioners of Indian Medicine (Standards of Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982 ('Regulations of 1982' for short). The said Regulations of 1982 lays down the role of persons registered as a practitioner of Indian medicine system. Regulation 26 thereby, mandates that every person registered as a practitioner of Indian Medicine shall intimate

the concerned State Board or Council and the Control Council with respect to change in type of practice, change of address on succeeding to another practice etc. Therefore, whenever a practitioner leaves his practice and takes upon an employment as a teacher or relocate himself for taking up any opportunity as a teacher or a practitioner in any different place or State other than his regular / informed place of practice, he shall intimate the concerned State Board or Council and the Control Council qua the said change mandatorily. Regulation 26 of Regulations of 1982, on which reliance has been placed by CCIM, reads as under:

“26. Change of address and announcement relating thereto – A notice of change of address shall be intimated by every practitioner of Indian medicine to the concerned State Board or Council and the Control Council.

A practitioner may issue a formal announcement in the Press one-insertion in one or more papers, regarding the following: -

- (a) On starting practice;*
- (b) On change of type of practice;*
- (c) On change of address;*
- (d) On temporary absence from duty;*
- (e) On resumption of practice;*
- (f) On succeeding to another practice”*

37. In this regard, it is stated by CCIM that the petitioners are registered with different states such as Maharashtra, Madhya Pradesh, Andhra Pradesh, Himachal Pradesh, West Bengal, Orissa

and Uttaranchal and the said states undertake verification from time to time in order to maintain their State registers. The details of the petitioners obtained are as follows:

Petitioner No.	Teacher Name	Registration No.	Permanent Address	State Name	Practicing Address as per state registration	Is contact address is same as practicing address as per state registration	Contact address as per state registration
1	MAHESHWAR	UK 02484	1749, JAWAHAR COLONY	Bhartiya Chikitsa Parishad, Dehradun, Uttaranchal			Village Devipur, Post Udaipur, Via Premnagar, Dehradun, Uttarakhand
2	SHITAL RAMSING SOLANKI	148027A	S-2 Gokul Residency	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	S-2 GOKUL RESIDENCY OPPOSITE CANARA BANK, DHANORI. PUNE		
3	BISHWANATH GHOSH	10659	MH-268 MAHISHBATH AN, MAJHER PARA	Paschim Banga Ayurved Parishad, Kolkata, West Bengal	Not found in state data	Not found in state data	
4	CHORDIYA SMITA MOTILAL	134537AI	BORA HOSPITAL, SARDAR PETH	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra			
5.	Savita Marotrao Madavi	147042A	SANT TUKODOJI WARD	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra			
6.	NAMRATA SRIVASTAVA	50504	SR HIG 19 PHASE 01 KANHA KUNJ	Madhya Pradesh Ayurvedic, Unani, PrakriticChikitsa Board, Bhopal, Madhya Pradesh		Not found in state data	Not found in state data
7	SAROJ MEENA	26771	BANDIYA BASS, MEENOKA MOHALLA	Boad of Indian Medicine, Rajasthan, Jaipur, Rajasthan	Not found in state data	Not found in state data	Not found in state data
8	RAJKUMAR SUMATILAL KATARIA	135735AI	FLAT 404, VASANT VAIBHAV COOP. HSG SOC.	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	JANGLI MAHARAJ RD PUNE		
9	Dhanshree Handibagh	156684A	Kamal Nivas Ganjanan Mandir Road	Maharashtra Council of Indian Medicine,		Yes	Babhim Colony, Swarajya Nagar, Barshi Road, Beed

				Mumbai, Maharashtra			
10	MUKESH KUMAR RAMNIVAS RATHI	159241A	Kalyani Raj, Rachana Colony	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	MAHESHW AR AYURVEDA CLINIC, KASLIWAL SURVARNA YOG, SUT GIRANI CHAWK, AURANGAB AD		
11	Vandana Khushlrao Pendse	121235	5 SHIVAM GOLD APT. OPPOSITE IT PARK	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra		Yes	QUARTER NO. 10, WALCHAND ENGG. COLLEGE CAMPUS MSEB RD. VISHARAMB AG Sangli
12	PRADNYA ASHTANKAR	137632AI	GADMANDI R ROAD, GANDHI CHOWK, RAMTEEK	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	GANDHI WARD RAMTEK Maharashtra		
13	SAMBSHIYA RAO P RAMAMURTH Y PETETI	20833	P. Sambasivarao 23-125/201, Viswapuriya residency, Thy	Andhra Boards of Ayurveda& Homeopathy, Secunderabad, Andhra Pradesh		Yes	Guntupalli (Post) Ballikruva (Mandal) Prakama Dist.
14	MANOJ KUMAR	3795	VILL Bassa Po Chhatar	Board of Ayurvedic& Unani Systems of Medicine, Shimla, Himachal Pradesh		Yes	Vill Basa, P.O. ChattarTeh. Kangra
15	EKTA KAPOR	24262	WZ 3009 SANT NAGAR	Council of Indian Medicine, Panchkula, Haryana		Yes	443, Sector-8, UE, Karnal
16.	PRAVEEN KUMAR SHARMA	DBCPA798 8	S-21/2 A, PANDAV NAGAR	Delhi Bhartiya ChikitsaParisha d, Delhi	Not found in state data	Not found in state data	
17	MILIND DIGAMBER WALUNJKAR	1115978	49 SOMARWA R PETH	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	NANDINI CLINIC, MOTHER TERESA NAGAR, YERWADA, PUNE 411006		
18	Prashant Bheemaji Pansare	153578A	FLAT NO. 11 ATHARVA BUILDING SHUBH SHANTI SOCIETY	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra			
19	NILESH PRABHAKAR MASURKAR	124312	Vrindavan Society A2/2	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	INDRAYANI APARTMEN T FLAT NO. 4 BUILDING NO. 2 MANIKBAU G PUNE 4110041		

20	Lalat Chand Das	2331	Belarpur, Shanti Niwas Jodikun	Orissa State Council of Ayurvedic Medicine, Bhubaneshwar, Orissa		Yes	At/Pro-Kalyanpur, Dist.-Cuttack
21	HARSHA SUKHDEO RATHOD	142930AI	C/o SUKHADEO RATHOD, PATEL DUPLEX NO. 4, SHIVAM RESI	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	ASHOK THOMBRE SWAPNAPU RTI SURVEY NO. 43, LANE 1 PATHARE THUBE NAGAR KHARADI CHANDAN NAGAR BYPASS PUNE 411014		
22	SWATI ANIL CHORGHAD	141093AI	A/P PHURSUNGI, B HAVARA WASTI, BEHIND NATIONAL GRAPES	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	BALAJI TOWER SHOP NO. 201, NEAR TOLL PLAZA KAWADIPA TT, KADAMWA KWASTI 412201		
23	PRAVEEN LAXMAN NAIK	20456	SAVALI NILAYA KANY HIGH SCHOOL ROAD	Karnataka Ayurvedic & Unani Practitioner's Board, Bangalore, Karnataka		Yes	SANKH-AT & POST, JATH-TQ, SANGLI DIST. MAHARASHTR A STATE 416413
24	BIPRA CHANRA PANIGRARY	2471	BHABANI NAGAR	Orissa State Council of Ayurvedic Medicine, Bhubaneshwar, Orissa		Yes	At – Bhabani Nagar, Ist Lane, PO-Gate Bazar, Via-Berhampur, Dist. – Ganjam Pin-760001
25	DINESH GANGADHAR DULANI	I-26074 AI	SHANKAR CHOWK SINDHI COLONY	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra		Yes	SINDHI COLONY GRAUND GONDIA GONDIA
26	NITIN SHIVAJIRAO DHUMANE	I-39463-AI	SN 29/1, SURYA RAJNI APARTMENT, FLAT NO. I	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	KATRAJ, PUNE Maharashtra		
27	CHANDRAKANNAM TAMRUTLAL JADHAO	134606AI	WAR NO. 1 BAJRA ROAD	Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	JADHAO HOSPITAL, WARDHA Maharashtra		
28	LAXMAN MARUDI WANDEKAR	157013AI	Kamal Niwas	Maharashtra Council of Indian Medicine, Mumbai,			

				Maharashtra			
29	DEEPIKA GAUTAM	2653	W/O KASHISH DIXIT, 1-301, ANUPAM APARTMENT	Board of Ayurvedic & Unani Systems of Medicine, Shimla, Himachal Pradesh		Yes	Kamali Bank Shimla

38. It is stated by CCIM that from the above table it is clear that petitioners have not approached the Court with clean hands and that they have tried to mislead the Court by taking a stand that CCIM has proceeded against them as they were enrolled in one State and teaching in another. It is stated by CCIM that Ayush practitioners can teach as well as practice at the same time, however, it has to be at the same location, i.e., if a practitioner is practicing in Pune, Maharashtra, he or she can teach at Pune itself. However, it cannot be the case that the practitioner is practicing at Pune, Maharashtra and is a teacher on the roll of a college situated in Mathura, Uttar Pradesh.

39. With regard to the petitioners herein, it is stated by CCIM that petitioner No.1 is admittedly practicing at Dehradun, Uttarakhand and is claiming to be a teacher in Sanskriti Ayurvedic Medical College and Hospital, Chhata, Mathura, Uttar Pradesh, which is about 383 Kms. away. Similarly, other petitioners are also running establishments at their respective locations. The details are reproduced in the table below:

Petitioner No.	Name	Address (as per the state record or online search)	Link of the respective establishment or profile
2	SHITAL RAMSING SOLANKI	Vishwashree Ayurved Panchakarma Speciality Clinic Flat No. S-2, Gokul Residency, Landmark: Opposite Canara Bank, Near Shri Hans Garden, Pune	https://www.practo.com/pune/doctor/dr-shital-patil-solanki-ayurveda
4	CHORDIYA SMITA MOTILAL	Bora Hospital 207, Sardar Peth, Shirur, Pune – 412210, Opp. B.N. Chopda	https://www.justdial.com/Pune/Bora-Hospital-Opp-B-N-Chopda-Shirur/020PXX20-XX20-170927184502-J9S9_BZDET
8	RAJKUMAR	Deerghayupushpa Ayurved Agency	https://www.justdial.com/Pune/Deerghaya

	SUMANTLAL KATARIA	Shop No. 3, Janki Corner, Sadashiv Peth, Pune-411030, Near Perugate Police Station, Opposite Poona Bording	pushpa-Ayurved-Agency-Near-Perugate-Police-Station-Opposite-Poona-Bording-Sadashiv-Peth/020PXX20-XX20-170302115820-E6G9_RZDET
9	Dhanshree Handibagh	Babhim Colony, Swarajya Nagar, Barshi Road, Beed	
10	MUKESH KUMAR RAMNIVAS RATHI	Maheshwar Ayurved and Panchkarma Clinic Flat No. 12, Ground Floor Chetan Plaza, Dargah Road, Samrat nagar, Chetan Nagar, Aurangabad-Maharashtra-431005, Opp, Roplekar Hospital	https://www.justdial.com/Aurangabad-Maharashtra/Maheshwar-Ayurved-And-Panchkarma-Clinic-Opp-Roplekar-Hospital-Chetan-Nagar/0000PX240-X240-180703131341-HS4_BZDET
11	Vandana Khushalrao Pendse	QUARTER No. 10, WALCHAND ENGG. COLLEGE CAMPUS MSEB RD. VISHARAMBAG Sangli	
13	SAMBSHIVA RAO P RAMAMURTHY PETETI	Ayur Harsha Besides More Super Market, Huda Complex Road, Saroor Nagar – 500035	https://www.ayurharsha.com/
14	MANOJ KUMAR	Shree Mangat Ram Family Health Care Center VPO Rehan, Rehan, Kangar-176022, Near PNB Bank	https://www.justdial.com/Kangra/Shree-Mangat-Ram-Family-Health-Care-Center-Nurpur/9999P1892-1892-180311092440-H4S7_BZDET
15	EKTA KAPOOR	443, Sector-8, UE, Karnal	
17	MILIND DIGAMBER WALULNJKAR	NANDINI CLINIC, MOHER TERESA NAGAR, YERWADA, PUNE – 411006	
19	NILESH PRABHAKAR MASURKAR	Chaitanya Chikitsalaya Indranayi Apartment Building No.2, Flat No. 4, Ground Floor, Sinhgad Road, Manik Baug, Pune-411051, Hingame Khurd, Near Brahma Hotel	https://www.justdial.com/Pune/Chaitanya-Chikitsalaya-Hingane-Khurd-Near-Brahma-Hotel-Manik-Baug/020PXX20-XX20-101224115550-B3N2_BZDET
20	Lalat Chand Das	At/Po-Kalyanpur, Dist.-Cuttack	
23	PRAVEEN LAXMAN NAIK	SANKH-AT & POST-JATH-TQ, SANGLI DIST., MAHARASHTRA STATE – 416413	
24	BIPRA CHARAN PANIGRAHY	At-Bhabani Nagar, 1 st Lane, Po-Gate Bazar, via-Berhampur, Dist. – Ganjam, Pin-760001	
25	DINESH GANGADHAR DULANI	SINDHI COLONY GRAUND GONDIA	
26	NITIN SHIVAJIRAO DHUMANE	Shubham Netralay Shop. No. 8, Trimurti Complex Near Salve Garden Shatrunjay Mandir-Gangadham Road, Kondhwa Pune-411048	https://www.shubhamnetralay.com/ https://gdigitalindia.in/sites/shubhamnetralaya/
27	CHANDRAKANT AMRUTLAL JADHAO	Jadhav Hospital Piles Care Centre Dr. Panjabrao Deshmukh Colony, R V. Road, Wardha HO., Wardha-442001, Opp. Anil Furniture	https://www.justdial.com/Wardha/Jadhav-Hospital-Piles-Care-Center-Opp-Anil-Furniture-Wardha-HO./0000P7152-7152-181106223941-U8Z6_BZDET
28	LAXMAN MARUTI WANDEKAR	Kamal Hospital, Near Dr. Ume Hospital, Gajanan Mandir Road, Shahu Nagar, Majalgaon, Dist. Beed	http://www.ayurdoctor.com/doctor_profile.php?online_id=1313
29	DEEPIKA GAUTAM	Komali Bank Shimla	

40. It is averred by CCIM that with the intention to address ‘On Paper Teacher’ issue, the same was placed before the Executive Committee of CCIM in its 292 meeting held on December 27, 2019 and after detailed deliberations a decision was taken by the Executive Committee to ensure the actual presence of teachers in

colleges and for the compliance of the said decision letters were sent to all teachers of ASU colleges on December 27, 2019 itself, requesting them to refrain from becoming 'physically absent and present on paper teachers'. The said teachers were also informed that appropriate action may be taken against them if found to be indulging in such activities. Thereafter, a letter dated February 7, 2020 was issued by Secretary, Ministry of Ayush, Govt. of India to all teachers and ASU Colleges thereby asking teachers to submit a duly notarized affidavit regarding their place of working in the colleges and proof of residence. Subsequent thereto, a letter vide OM dated March 2, 2020 was issued by the Under Secretary, Ministry of Ayush to all ASU colleges asking them to replace physically absent teachers with a regular working teacher. Follow up letters thereto were issued by CCIM also on March 3, 2020.

41. It is stated by CCIM that with the intention to grant the colleges and teachers time to mend such activities; the date for submission of visitation proforma to the Ministry of Ayush was also extended and it was expected that such teachers shall use the extended time to resign from the college where they were working on paper and physically absent.

42. It is averred by CCIM that State Register is the paramount proof of type and place of practice of a registered practitioner and it is also a public document which is derived on the basis of entries / details furnished by practitioners themselves. Moreover, the same is maintained and required to be renewed from time to time under Regulation 26 of Regulations of 1982 with the petitioners bound to intimate the concerned Stated Board or Council and the Control

Council with respect to change in type of practice, change of address on succeeding to another practice etc.

43. On the basis of the second meeting of the Board of Governors ('BOG', for short) of CCIM held on June 14, 2020 and continued on June 22, 2020, it was decided to use the State Register sent by State Registration Council / Board containing the details of the registered practitioner of respective States for the purpose of verification of teachers. It is stated that during the said verification it is found that the petitioners were working / actively practicing at their home States which further was clearly evident from the entries in the State Register made by the petitioners themselves. On finding the said irregularity, the petitioners were served with e-mails and were asked to submit replies within seven days after receiving the same to provide factual information. Thereafter, CCIM complying with principles of natural justice called upon the petitioners for a personal hearing before the Hearing Committee headed by BOG ('Hearing Committee', for short)) appointed by Chairperson (BOG), CCIM through video conferencing with those teachers / petitioners. Subsequent to personal hearing, Hearing Committee passed decision qua petitioners relying upon the State Register and the documents provided by the petitioners. The said decision of the Hearing Committee was placed before BOG where the said decision was upheld by it and it was decided that the petitioners shall be barred from teaching and the unique teaching code allotted to them were withdrawn.

44. It is also stated that CCIM constituted a Grievance Redressal Committee for such teachers / petitioners against whom

the aforesaid action was taken. Information qua the Grievance Redressal Committee were intimated to the teachers / petitioners vide letter dated December 4, 2020 and were requested to send their respective representations along with relevant documents to substantiate their claim as a regular teacher by December 7, 2020 on e-mail ID being grievance@ccimindia.org.

45. The representations received from the petitioners were placed before Grievance Redressal Committee which after the examination of documents and representations came to a conclusion that the requirement under Regulation 3(1)(f) of Regulation of 2016 were not fulfilled by the petitioners and impugned orders were passed.

46. It is averred by CCIM that petitioners were 'On Paper Teachers' as held by the Expert Committee constituted for verification of teachers as the petitioners are registered with different State Council / Board. The petitioners being registered practitioners were required to intimate their status and place of practice and residence to their respective State Boards. The perusal of information provided by petitioners to their respective State Boards / Councils clearly shows that the petitioners are stationed and are practicing in their home State and are merely 'On Paper Teachers' to the respondent No.4 college.

47. That apart, it is also stated that the impugned orders have been passed by an Expert Committee constituted under the Chairmanship of BOG, CCIM and it is a well settled proposition of law that Courts have to show deference and consideration to the recommendation of an Expert Committee consisting of

distinguished experts in the field. In this regard, reliance has been placed by Ms. Dave on *Medical Council of India (supra)* and the following Judgments:

1. *Medical Council of India v. The Principal, KMCT Medical College and Anr. (Civil Appeal No. 8429/2018)*
2. *Basabaiah v. H.L. Ramesh and Ors., 2010 8 SCC 370*

48. That apart, it is also stated by CCIM that petitioners are attempting to surpass the requirements of statutory regulations, i.e., when the petitioners are under an obligation of Regulations of 1982 to intimate the State Council qua shifting of residence / address and change the type of practice, the petitioners have failed to do the needful. In this regard reliance has been placed on the Apex Court Judgment in the case of *Dhananjaya Reddy v. State of Karnataka, AIR 2001 SC 1512*.

49. Moreover, it is also the case of CCIM that the impugned orders are well-reasoned orders as it is on the basis of State Registers maintained by respective States and the documents submitted by the petitioners that the impugned orders were arrived at.

W.P.(C) 1271/2021 and W.P.(C) 1373/2021

50. It is the case of the three petitioners; two in W.P.(C) 1271/2021 and one in W.P.(C) 1373/2021, that they have been working on the post of Professor/Associate Professor with the Sri Sai Institute of Ayurvedic Research & Medicine, Bairagarh Chichli,

Kolar Rd, Gram Hinotia Alam, Bhopal, Madhya Pradesh, the common respondent No.3 in both the petitions.

51. Since the stand, grounds taken by the petitioners herein and the timeline with regard to issuance of various letters / office orders leading to the issuance of impugned orders are similar to as has been already stated / noted in W.P.(C) 2621/2021 above, I shall be only highlighting the facts which are relevant in the present petition.

52. Additionally, it is submitted by the petitioners that Regulation 3(1)(f) of Regulations of 2016 cannot be construed as an independent standalone substantive power for debarring any person from being treated as a full-time faculty in any institution until it is duly working / attending and employed with medical institutions on its pay roll as a full-time faculty, so verified in a physical inspection conducted by CCIM in the concerned institution. In other words, the said regulation cannot be read as an independent standalone power restraining any teacher from teaching in institution as a full-time faculty on the basis of all the records, he / she has been found to be working full-time with the concerned institution.

53. That apart, it is submitted that the manner in which the inquiry has been conducted, the various documents and information sought from the petitioners in the course of hearing was information sought for the first time without proper procedure and provisions available for CCIM. The entire process has been carried out in a completely *ad-hoc* manner and without any prescribed substantive procedure of inquiry.

54. It is also stated that the petitioners came to know that they have been disqualified from being a full-time faculty for the first time vide the impugned order passed by Grievance Redressal Committee. No notice of hearing or e-mails that preceded the impugned order specifically proposed that such punishment would be imposed on the petitioners.

55. According to the petitioners, there is no prohibition under the CCIM Act or Rules restraining the teachers registered in one State from practicing the profession of teaching in any other State. Further, the Act also nowhere restricts the right of BAMS Degree holders from utilizing their qualification either as a medical practitioner or as a teacher / faculty in a State other than where they are registered.

56. It is also stated that CCIM has acted arbitrarily wherein initially identically worded communications on the same ground were issued to a large number of teachers and faculty members but only the petitioners have been imposed the disqualification order through the impugned communications. The remaining teachers / faculties despite being identically placed as petitioners have been let off by CCIM through identically worded communications without mentioning any reason for distinction from the case of petitioners except stating baldly 'their cases have been found fit'.

57. Further reliance has been placed by the petitioners on Section 2 (h), Section 13(a), Section 17, Section 21, Section 23 of the CCIM Act; Regulation 3 (1)(f), Regulation 8, Regulation 13 of the Regulations of 2016 and; Clause 2 of the Guidelines of the Colleges and teachers regarding relieving / resignation from

College issued by CCIM through its Officer Order dated January, 2019 to state that:

1. There is no other officially notified/gazetted document/Regulation which is in place duly communicated to the petitioners through ordinary and legally acceptable modes of communication, which would have created two categories of Faculty viz. 'Paper Faculty' and 'Regular full-time on-spot Faculty' and the procedure for investigation and enquiry for differentiating between the said two categories of Faculty/Teaching Staff. There is absolutely no legislative provision of any nature whatsoever notified/gazetted or communicated to the petitioners by the CCIM or the Central Government stating that registration in one State as a Medical Practitioner shall be treated as an automatic disqualification for working or employed as a Faculty/Teaching Staff in another State and that the same may be counted as a criteria for treating the said Ayurveda Teacher as a 'Paper Faculty'.

2. The Section 13A of the CCIM Act, provides for comprehensive procedure pertaining to grant of approval for opening of any Ayurveda Medical College imparting training for the procurement of BAMS Course. Nowhere, has any such provision & procedure been contemplated or adopted or in the present case for debarring any

BAMS degree holder from being treated as full time faculty, has been prescribed.

3. There is no provision disqualifying any Ayurveda Teacher from practice of teaching on the ground that his registration as a medical practitioner is from another State, different from where he is where he is serving as a faculty of teaching. Since, such provisions pertaining to norms and standards can be made only by way of duly notified and gazetted Regulations under Section 36 of the CCIM Act, and not otherwise. Therefore, the impugned decision having been taken by the CCIM outside the four corners and ambit of Section 13A and in the absence of publicly notified Regulations becomes repugnant to the CCIM Act.

4. A person who is registered in any State of the country as a medical practitioner can practice in any part of the country and that there is no bar or prohibition that he cannot practice/undertake any profession in any State, other than that where he/she is registered. The only requirement is that he should be a BAMS degree holder and registered with any State Government on its State Register.

5. Under both the set of Regulations of 2016 framed under the CCIM Act, there is no provision, substantive and procedural both with respect to demarcation/labelling

of certain category of faculty members as ‘On-Paper Faculty’ and the others as the ‘Regular/full-time/on-spot faculty’

6. Regulation 3(1)(f) of Regulation of 2016 cannot be treated as a standalone provision in silos which confers substantive powers on the CCIM to disqualify/disentitle any faculty from being treated as a full-time faculty under the Regulations of 2016 being in possession of the valid Teacher Code & possessing all the necessary qualifications, specifics as required under the CCIM Act.

58. It is also their case that the impugned orders have been issued illegally by CCIM without duly considering the statutory provisions as well as the evidence produced by the petitioners to prove that they are not ‘On Paper Teachers’.

59. Counter-affidavits have been duly filed by CCIM in both the petitions. It is stated by CCIM that the petitioners are practitioners registered in the State of Karnataka. From the State Register of Karnataka it appears that the petitioners are practicing in the State of Karnataka at addresses 3/11, 1st Main Road, 10th Cross, Nagarbhavi Road, Bengaluru – 560072 and 636/C, 3rd Block, Sir M. Vishweshwaraiah Layout, Ullal, Upanagara, Bengaluru-560056 respectively.

60. It is stated by CCIM that since the two petitioners in W.P.(C) 1271/2021 are registered with the Karnataka Ayurvedic and Unani Practitioners Board, the petitioners were required to intimate their status, place of practice and residence to the said State

/ Board. Since the petitioners had made no intimation that they have shifted from Karnataka to Madhya Pradesh to take up the said employment in the aforesaid College, it is stated by CCIM that the petitioners are 'On Paper Teachers' as has been held by the Expert Committee. In so far as the petitioner in W.P.(C) 1271/2021 is concerned, it is stated by CCIM in its respective counter-affidavit that the petitioner's name was still in the State Register of Uttar Pradesh, hence an 'On Paper Teacher', with respondent No.3.

61. It is stated by CCIM by relying upon Section 27 of the CCIM Act that the same vests a power with the CCIM for removal of names from the Central Register Indian Medicine. Further, on the basis of Section 31 it is submitted by CCIM that the CCIM Act has categorically put an obligation on the person registered to intimate the change of residence and practice.

62. It is also stated by CCIM that Section 36 grants power to the CCIM to make Regulations with the previous sanction of Central Government to carry out the general purposes of this Act. Thus, Regulation 3(1)(f) of Regulations of 2016 requires CCIM to Certify that the teaching faculty present in a college is not working at any other place. Therefore, as per the regulation and maintenance of the standard of the Indian System of Medicine and the students of the Indian System of Medicine, it is the duty of CCIM to check that a teaching faculty who has shown himself to be teaching at a particular college is not merely an 'On Paper Teacher'.

63. A rejoinder has also been duly filed by the petitioners W.P.(C) 1271/2021 reiterating their stand taken in the petition.

W.P.(C) 1113/2021

64. The present petition has been filed by 12 petitioners working at various Ayurvedic Hospitals arrayed as respondent No.4 to 15.

65. It is pertinent to note that vide order dated January 29, 2021 this Court had granted stay of the impugned orders dated January 14, 2021 and January 15, 2021 issued by CCIM.

66. Counter-affidavit has been filed by the respondent No.2 and CCIM. It is stated by CCIM that the petitioners are practitioners registered in different States such as Maharashtra, Madhya Pradesh, Andhra Pradesh, Bihar, Punjab, Karnataka and Delhi. The details of the petitioners from the respective State Registers obtained during the verification drive are as follows:

Peti tion er No.	Teacher Name	Registration No.	Permanent Address	State Name	Practicing Address as per state registration	Is contact address is same as practicing address as per state registration	Contact address
1	Dr. Bhupinder	10008		Board of Ayurvedic & Unani Systems of Medicine, Chandigarh, Punjab	No detail of Practicing Address	No Detail	No Details
2	Dr. Sanjeev Kalra	DBCPA63 97		Delhi Bhartiya Chikitsa Parishad, Delhi	No detail of Practicing Address	No Detail	No Detail
3	Dr. Yogendra Manak Chand Kasat	31114		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	28, Gurudata Colony, Jalgaon		
4	Dr. Arjun Prasad Singh	33536		State Council of Ayurvedic & Unani Medicine, Patna, Bihar	Registration Details Not Received from State	Registratio n Details Not Received from State	Registration Details Not Received from State
5	Dr. Sharad Karande	145633A		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra		Yes	A/P Dehare, Tal. Nagar, Ahmadnagar
6	Dr. Vrushali Ramesh Tole	141140A 1		Maharashtra Council of Indian Medicine, Mumbai,		Yes	Flat No. 12111, Prestige Shantiniketan, Near I.T.P.L.

				Maharashtra			Whitefield
7	Naresh Perumbuduri	22159		Andhra Board's of Ayurveda & Homeopathy, Secunderabad, Andhra Pradesh	No detail of Practicing Address	No Detail	No Detail
8	Vijay Kumar Sah	841855241		State Council of Ayurvedic & Unani Medicine, Patna, Bihar	Registration Details Not Received from State	Registration Details Not Received from State	Registration Details Not Received from State
9	Ashish Nanda	55128		Madhya Pradesh Ayurvedic Unani & Prakrit Chitsa Board, Bhopal, Madhya Pradesh	No detail of Practicing Address	No Detail of Practicing Address	No Detail of Practicing Address
10	Subhan Ali Akrab	130812		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra		Yes	Flat No. 304, Bldg. No. Adorabaji Inclave, Salunke Vihar, Rd. Kondhwa (Khurd) Pune
11	Subha R. Sondoore	13831		Karnataka Ayurvedic & Unani Practitioners Board, Bangalore, Karnataka		Yes	Keerthi nivas, First Parallel Road, Shivamogga, Shivmogga-577204, Karnataka
12	Shiv Kumar Soni	49031		Madhya Pradesh Ayurvedic Unani & Prakrit Chitsa Board, Bhopal, Madhya Pradesh	No detail of Practicing Address	No Detail of Practicing Address	No Detail of Practicing Address

Thus, it is stated by CCIM that the petitioners were working / actively practicing at their respective home States. Further it is also stated that the petitioner Nos. 1, 3, 6 & 11 were running establishments at their respective locations, detailed as follows:

Petitioner No.	Name	Address (as per the state record or online search)	Link of the respective establishment or profile
2	Dr. SANJEEV KALRA	Nimaya, The Mind Centre C-462, Landmark: C, Block Market, NOIDA	https://www.practo.com/noida/doctor/dr-sanjeev-kalra-ayurveda
3	Dr. YOGENDRA MANAKCHAN D KASAT	Aayubhaskar, 12, 1 st Floor, Old BJ Market, Shahunagar, Jalgaon-425001, Near Balgandharv Open Theatre	https://www.justdial.com/Jalgaon/Dr-Yogendra-Kasat-Near-Balgandharv-Open-Theatre-Shahunagar/9999PX257-X257-150726212526-M8G9_BZDET
6	VRUSHALI RAMESH TOLE	Durvankur Ayurveda Wellness Centre Prestige Shantiniketan, Bangalore, India-506648	https://vymaps.com/IN/Durvankur-Ayurveda-Wellness-Center-610186886122768/
11	SUBHA R SONDOOR	Dr. Deccan Ayurveda Nayappana Halli Karnataka	https://www.ayurdoctor.com/doctor_profile.php?online_id=6893

W.P.(C) 2762/2021

67. This petition has been filed by four petitioners challenging the impugned orders. The petitioners are teaching Ayurveda Courses in respondent No. 4 College herein, being SRS Ayurvedic Medical College and Hospital, Agra, Uttar Pradesh.

68. It is stated that the petitioners herein had already submitted their applications with detailed particulars to the CCIM for Central Registration and the same are pending till date. It is also stated that the applications for registration with Board of Ayurvedic & Unani Tibbi System of Medic, Uttar Pradesh / State Registrar / Board and were granted registration by the said Board. The said registrations were obtained by petitioner Nos. 1 to 4 on December 21, 2020, December 18, 2020, December 8, 2020 & December 24, 2020 respectively.

69. On the other hand, it is stated by CCIM that subsequent to its verification drive the details of the petitioners obtained are as follows:

Peti tion er No.	Teacher Name	Registration No.	Permanent Address	State Name	Practicing Address as per state registration	Is contact address is same as practicing address	Contact address
1	DR. DHIRAJ GOVINDRAO JANGALE	147914A		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	PARAS CLINIC, DHORE NAGAR, LANE NO. 2, BEHIND SIRVI MEDICAL OLD SANGVI, PUNE 411027		
2	DR. SACHIN RATHUNATH JAGTAP	132250A1		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra		YES	P.P. BHALCHAND RA HOSPITAL, S.NO.1-4, NEW LAXMI NAGAR, PIMPLE GAURAV, PUNE, MAHARASHTRA
3	DR. SATISH	134204A1		Maharashtra	SHIVAJI		

	BABURAO BANDGAR			Council of Indian Medicine, Mumbai, Maharashtra	CHOWK LATUR		
4	DR. SNEHAL DILIP WANKHADE	171525A		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra		YES	Dr. Prafulla Raut, Shreeram Bldg., Opp. Bramha, Veg. Manikbau, g., Sinhagad, Rd. Pune

70. It is stated by CCIM that Ayush Practitioners can teach as well as practice at the same time. However, the same has to be at the same location. In the present case, it is stated by CCIM that petitioner Nos.1 to 4 are admittedly registered practitioners at Pune, Maharashtra and are at the same time claiming to be teachers at respondent No. 4 hospital which is in a different state about 1214 Kms. away, making them 'On Paper Teachers' at the said institution.

W.P.(C) 1339/2021 and W.P.(C) 1352/2019

71. The petitioner in W.P.(C) 1339/2021 after obtaining his Bachelors in Ayurvedic Medicine and Surgery in the year 1996 and degree of MS in Shailya Tantra in the year 2003 has been regularly teaching in different Ayurvedic Colleges in the country. It is stated by him that after gaining experience for more than 14 years in the field of teaching, the petitioner joined Ishan Ayurvedic Medical College and Research Centre, 1A/1, Knowledge Park, Greater NOIDA, UP, 201310.

72. Similarly, the two petitioners in W.P.(C) 1352/2019, also obtained their Bachelors in Ayurvedic Medicine and Surgery as well as obtained their degree of MD in Kaya Chikitsa. After post-graduation petitioner No.1 and petitioner No.2 joined teaching faculties in Ayurvedic Colleges in 2010 and 2011 respectively.

Thereafter, they also joined Ishan Ayurvedic Medical College and Research Centre, 1A/1, Knowledge Park, Greater NOIDA, UP, 201310, on September 01, 2018 and January 01, 2020 respectively.

73. Thereafter, it is stated that similar evidences as mentioned in W.P.(C) 2621/2021 were also produced by the petitioners in both the writ petitions before the Hearing Committee as well the Grievance Redressal Committee, which according to them were not appreciated.

74. It is stated by the petitioner in W.P.(C) 1339/2021 that the during the course of proceedings before the Hearing Committee, he was informed by the Committee Members that during a 'Google Search' in relation to the petitioner, they have found an address which belongs to a society namely, 'Shri Varanasi Sahkari Grah Rachna Sanstha Maryadit' and asked about the same. The Petitioner immediately informed the Committee of CCIM that the said property has already been sold by him way back on March 14, 2015. It is stated by him that he had in fact submitted evidence regarding the same before the Grievance Redressal Committee as well.

75. It is the common stand of the petitioners in both the petitions that a perusal of Regulation 3 of Regulations of 2016 will show that for grant of permission to start an under-graduate Ayurveda College and attached Hospital, there are certain 'Minimum Standards' which are required to be maintained and fulfilled. One of such conditions/ requirements is certification by CCIM that the teaching faculty is not working anywhere else apart from the college. The said permission to start a college is given on

the basis of detailed report and observations received from the Officers/visitors of Respondent No. 2, who make surprise inspections in a college periodically. It is submitted that since the said College has started, officers of CCIM have made 5 surprise inspections on February 05, 2018, May 25, 2018, May 26, 2018, March 13, 2019 and March 14, 2019. Since the petitioners have been regularly working in the College since joining, therefore they have been part of all such inspections, which can be easily verified by the CCIM from its records (since no report of inspection/ visit is shared by the officers). However, the CCIM has completely failed to even see and consider such fact. As per the Regulations of 2016, even videography of the inspection is to be done, from which also the correct facts as being stated by the petitioners can be verified but the respondents have failed to do so.

76. Counter-affidavits have been duly filed by respondent No.2/CCIM in both the writ petitions. It is the case of CCIM that all three petitioners (two in W.P.(C)1352/2021 and one in in W.P.(C) 1339/2021) are practitioners registered in Maharashtra and the state of Maharashtra in compliance of Section 23A of the Maharashtra Medical Practitioners Act, 1961 ('Maharashtra Medical Practitioners Act', for short) even undertook a verification drive in the year 2019 and 2020 with the intention to maintain his name in the State Register.

77. It is stated by CCIM that the State register is the paramount proof of type and place of practice of a registered practitioner and is also a public document maintained on the basis of the details furnished by the petitioners themselves. It also stated that during

verification it was evident that the petitioners were working/actively practicing at his home State. Petitioners had to intimate qua the change in address and therefore since the Maharashtra Council of Indian Medicine clearly shows that the petitioners are stationed and practicing in Maharashtra and is merely an 'On Paper Teacher' in the aforesaid Ishan Ayurvedic Medical College and Research Centre in Greater Noida, Uttar Pradesh.

78. On the maintainability of the present petition, it is also stated that the present writ petition is also full of disputed facts.

W.P.(C) 1158/2021 & W.P.(C) 1155/2021, W.P.(C) 1214/2021, W.P.(C) 1215/2021

79. The sole petitioners in these petitions are practitioners of Indian medicine duly registered under Maharashtra Medical Practitioner Act read with Section 17 of CCIM Act. It is their case that they were appointed as Professors at Pt. Shivshakti Lal Sharma Ayurvedic Medical College and Hospital at Ratlam, Madhya Pradesh.

80. The petitioners in W.P.(C) 1158/2021, W.P.(C) 1155/2021, W.P. (C) 1214/2021 and W.P.(C) 1215/2021 joined the services of the said Medical College on November 30, 2016, June 10, 2016, December 14, 2016 and December 22, 2011 respectively.

81. It is their case that the petitioners have been residing in Ratlam, Madhya Pradesh and have been regular faculty at the aforementioned College and were physically taking classes without any laches. In this regard, the petitioners have relied upon **Annexures-P-5 to P-9** of their respective petitions. It is stated by

them that on account of COVID-19 pandemic, the petitioners have been taking online classes also for a year since May, 2020.

82. It is also stated by them that without appreciating the evidence produced to prove that they have been residing in Ratlam, CCIM has arbitrarily withdrawn the teacher's code.

83. CCIM stated that the petitioners being practitioners registered in Maharashtra and the state of Maharashtra in compliance of Section 23A of the Maharashtra Medical Practitioners Act and even undertook a verification drive in the year 2019 with the intention to maintain their names in the State Register.

84. Subsequent to the representation respectively preferred by the petitioners before the Grievance Redressal Committee and the said Committee upheld the finding of the expert committee that the petitioner was an 'On Paper Teacher'. In this regard, it is stated by CCIM that in the latest renewal of registration undertaken by Maharashtra State Council in the year 2019 & 2020:

(i) the petitioner in W.P.(C) 1158/2021 submitted his address as Shree Dhanvantari Ayurvedic Clinic and Panchakarma Centre, Kharadi Road, Vrundavan Society, 10, Lane No. 1, Chandannagar, Pune – 14.

(ii) the petitioner in W.P.(C) 1155/2021 submitted his address as Saideep Hospital, near Swami Vivekanand Chowk, Sonai Tal Newasa, Distt. Ahmednagar, Maharashtra.

(iii) the petitioner in W.P.(C) 1214/2021 submitted her address as 14, Samanta Society, Ganesh Nagar, Chanchwad, Pune.

(iv) the petitioner in W.P.(C) 1215/2021 submitted his address as Anoracta L Hospital, Dhule, H.O. Dhule.

Therefore, from the information provided by the petitioners themselves, it is stated that they are all 'On Paper Teacher' at the aforesaid Medical College Hospital in Ratlam, Madhya Pradesh.

85. Rejoinders has also been duly filed by the petitioner in W.P.(C) 1158/2021 reiterating the claims made by him in the petition. It is also stated by him that all the relevant documents were submitted before CCIM on September 4, 2020.

W.P.(C) 1226/2021

86. This petition has been filed by five petitioners working on the post of Professor / Associate Professor with Mansarovar Ayurvedic Medical College, Bairagarh Chichli, Kolar Rd., Gram Hinotia Alam, Bhopal, Madhya Pradesh. The challenge in this petition is to impugned order dated January 15, 2021 issued by CCIM whereby they have been classified as 'On Paper Teacher'.

87. It is the case of respondent No.1 / CCIM in its counter-affidavit that during the verification process undertaken by CCIM, it was found that the petitioner Nos. 1 to 5 are practicing in the State of Maharashtra at Jai Bajranj Saw Mill, Pandharkwada, Yavatmal, Maharashtra; Shri Vyas Aushadhalaya, Madhav Baug, C.P. tank Road, Mumbai, Maharashtra; Plot No. 60-1, Naka No. 2KhasadaKampetee Rd. A-P-Khairy, Nagpur, Maharashtra; Shree

Swami Samarth Lab, Wagholi, Pune, Maharashtra: and New Sanmitra Colony, Ladgan Road, Vaijapur, Maharashtra respectively.

88. It is stated that the petitioners being registered with Maharashtra Council of Indian Medicine and since there is no intimation with regard to the change in status or place of practice and residence to the concerned State Council / Board, the impugned order is justified.

89. Rejoinder has been duly filed by the petitioners reiterating the stand in the petition.

W.P.(C) 2351/2021

90. The four petitioners herein were working on the post of Professor Associate Professor at respondent No.3/Shri Babu Singh Dadduji Ayurvedic Medical College and Hospital Krishna Nagar (Baghar), Kanpur Road, Fatehgarh, Farrukhabad-209749.

91. It is stated that petitioner Nos. 1 & 2 are registered in the State of Orissa as per the CCIM Act. Petitioner Nos. 3 & 4 are however, registered with the State of Maharashtra and the State of Bihar respectively.

92. Counter affidavit has been duly filed by respondent No.1/CCIM. It is stated that petitioner No. 1 is admittedly registered Practitioner at Nayagarh, Orissa is claiming to be a teacher at respondent No.3 Hospital in Uttar Pradesh which is about 1288 kms away. Similarly, the petitioner No. 2 is registered Practitioner at Ganjam, Orissa is claiming to be a teacher at respondent No.3 Hospital in Uttar Pradesh which is about 1393 kms

away. Similarly, the petitioner No. 3 is registered Practitioner at Ahmadnagar, Maharashtra is claiming to be a teacher at respondent No.3 Hospital in Uttar Pradesh which is about 1222 kms away. Similarly, the petitioner No. 4 is registered Practitioner at Bihar is claiming to be a teacher at respondent No.3 Hospital in Uttar Pradesh which is about 723 kms away.

93. Relevant details filed by the CCIM obtained from the verification drive is reproduced as under.

Petitioner No.	Teacher Name	Registration No.	Permanent Address	State Name	Practicing Address as per registration	Is contact address is same as practicing address	Contact address as per state registration
1	DR. SUDEEP KUMAR BRAHMA	4002		Orissa State Council of Ayurvedic Medicine, Bhubaneswar Orissa		Yes	At Braja Ballavpur Po/Dist- Nayagarh- 752069
2	DR. MANAS RANJAN DEBATA	4833		Orissa State Council of Ayurvedic Medicine, Bhubaneswar Orissa		No	At-Ankushpur, PO- Kukudakhandi, Distt. Ganjam, Pin-761100
3	DR. RAVINDER PANDURANG PATIL	135598A1		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	Gurupripa Netralaya, Sanmitra Colony, Ladgaon Road, Vaijapur, Dist.- Aurangabad 423701 Maharashtra		
4	DR. SHYAM KISHORE PANDEY	1766		State Council of Ayurvedic & Unani Medicine, Patna Bihar	Registration Details Not received from State.		

94. It is further stated that a 'Google Search' by the name of the petitioner No. 3 shows that the said Petitioner is practicing at Gurukripa Netralaya in Rahuri Ahmadnagar, Maharashtra.

W.P.(C) 4167/2021

95. The petitioner No.1 herein was working as Associate Professor/Reader at Faculty of Indian Medical System with

respondent No.3, SGT University, Budhera, Gurugram, Haryana, since December 4, 2015. Petitioner No.2 on the other hand was working as Assistant Professor in Department of Kriya Sharir with respondent No.4, Quadra Institute of Ayurveda, NH-58, Near Montfort School, Haridwar Road, Roorkee.

96. It is stated by the petitioners that they are already registered with their respective State Councils of Maharashtra and Uttar Pradesh having Registration Nos. 66632 dated May 16, 2011 and 59294 dated November 25, 2013. It is also stated that the petitioners have already applied for their registration with Central Council on March 01, 2019 and November 24, 2019 and the CCIM has kept it pending unnecessarily.

97. Counter-affidavit has been duly filed on behalf of respondent Nos.2 and 3/CCIM. It is stated that the petitioners are practitioners registered in Maharashtra and Uttar Pradesh. The said States undertake verification drive from time to time with the intention to maintain their state register. The details of the Petitioners obtained are as follows:

Petitioner No.	Teacher Name	Registration No.	Permanent Address	State Name	Practicing Address as per state registration	Is contact address is same as practicing address	Contact address as per state registration
1	DR. MILIND DESHMUKH	166632A		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra		YES	AT-CHINCHANE PO-RAJGOLI TAL-HANDAGAD Kolhapur, Maharashtra
2	DR. GARIMA RAJ	59294		Board of Ayurvedic and Unani, Tibbi Systems of Medicine, Lucknow, Uttar Pradesh	NO Detail of Practicing Address		

98. It is stated by CCIM that petitioner No.1 is admittedly registered Practitioner at Kohlapur, Maharastra is claiming to be a teacher at Faculty of Indian Medical System with respondent No.3 at Gurugram, which is about 1631 kms away. Similarly, the petitioner No. 2 is registered Practitioner at Lucknow, Uttar Pradesh and is claiming to be a teacher at respondent No.4 in Roorkee, which is about 681 kms away.

W.P.(C) 4234/2021

99. The four petitioners herein are teachers/faculties working with respondent No. 4 i.e., Shri Lakshmi Narayan Ayurvedic College, Amritsar, Punjab. It is stated by them that they are registered practitioners with respective State Councils as follows:

Sr. No.	Names	Registered State Council
1	Dr. Sheetal Sharma	Jammu
2	Dr. Rohit Rajkumar Padalkar	Maharashtra
3	Dr. Milind Subhash Kumavat	Maharashtra
4.	Dr. Sajjad Elahi Malik	Karnataka

100. The dates of joining respondent No.4 are as under:-

Sr. No.	Names	Teacher's Code	DOJ	Department
1	Dr. Sheeta Sharma	AYSS00360	06.07.2017	Maulik Sidhant
2	Dr. Rohit Rajkumar Padalkar	AYSS00361	02.08.2016	Samhita Siddhant
3	Dr. Milind Subhash Kumavat	AYRN00701	19.03.2020	Rog-Nidan
4	Dr. Sajjad Elahi Malik	AYKC00744	02.11.2017	Swasthvritta

101. It is also stated that they had duly informed CCIM that they have already applied for Central Registration, but applications are pending since 2015 till date and no decision has yet been taken by the CCIM.

102. Counter-affidavit has been duly filed on behalf of respondent Nos.2 and 3/CCIM. It is stated that the petitioners are practitioners registered in different states such as Jammu, Maharashtra and Himachal Pradesh. The said states undertake verification drive from time to time with the intention to maintain their state register. The details of the petitioners are as follows:

Petitioner No.	Teacher Name	Registration No.	Permanent Address	State Name	Practicing Address as per state registration	Is contact address is same as practicing address as per state registration	Contact address as per state registration
1	Sheetal Sharma	456		Board of Ayurvedic & Unani Systems of Medicine, Jammu		No detail found in state data	
2	Rohit Rajkumar Padalkar	170691A		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	PRAKRUTI CLINIC ANUSAYAS MRUTI BUILDING GROUND FLOOR FLAT NO. 01 VADGAON BUDRUK PUNE		
3	Milind Subhash Beldar	62554		Maharashtra Council of Indian Medicine, Mumbai, Maharashtra	PANCHAMAR UT AYURVEDA JAIL ROAD NASHIK		
4	Sajjad Elahi Malik	4428		Board of Ayurvedic & Unani Systems of Medicine, Shimla, Himachal Pradesh		Yes	Village Jaham P.O. Rajpura Teh. & Distt. Chamba

103. It is stated by CCIM that petitioner No. 2 is admittedly practicing at Vadgaon Budruk, Pune and is claiming to be a teacher at respondent No.4 in Amritsar, Punjab, which is 1,879 kms away. Further, Petitioner No. 3 is admittedly practicing at Panchamrut Ayurveda Jail Road, Nashik and is claiming to be a teacher at respondent No.2, which is 1,610.8 kms away. Similarly, petitioner No. 4 is admittedly practicing at Chamba, Himachal Pradesh is claiming to be a teacher at respondent No.4, is about 235.9 kms away.

104. It is also stated that petitioner Nos. 2 and 3 are running establishments at their respective locations as follows:

Petitioner No.	Name	Address (as per the state record or online search)	Link of the respective establishment or profile
2	ROHIT RAJKUMAR PADALKAR	Prakruti Ayurvedic Clinic, Ground Floor, Flat No. 01, Anusaya Smruti, Vadgaon Narhe Road, Sinhagad Road- Vadgaon Budruk, Pune-411041, Near Vadgaon Budruk Bus Stop, Bank of Baroda ATM	https://www.justdial.com/Pune/Prakruti-Ayurvedic-Clinic-Near-Vadgaon-Budruk-Bus-StopBank-Of-Baroda-ATM-Sinhagad-Road-Vadgaon-Budruk/020PXX20-XX20-140919200440-S8M9_BZDET
3	MILIND SUBHASH BELDAR	Panchamrut Ayurvedic Clinic and Ayurvedic Medical Shop NO.2, Tilak Appt. Sailani Baba Chowk, Jail Road, Nashik-422101, Near Sharma Steel	www.justdial.com/Nashik/Panchamrut-Ayurvedic-Clinic-And-Ayurvedic-Medical-Near-Sharma-Steel-Jail-Road/0253PX253-X253-170304114840-E6C9_BZDET

W.P.(C) 4263/2021

105. The four petitioners herein are teachers/faculty working with respondent No.4, Khalsa Ayurvedic Medical College & Hospital Village Nangal Kalan, Mansa, Punjab. It is stated that all the four petitioners are registered with the State Council of Haryana as per the CCIM Act.

106. It is pertinent to note that the petitioners obtained certificates of authorization from the Board of Ayurvedic and Unani Systems of Medicine, Punjab whereby the petitioners have been enrolled in the Register and are authorized to practice under the Board of Ayurvedic and Unani Systems of Medicine in Punjab w.e.f. July 31, 2020 to July 31, 2021. The same was intimated to CCIM during the personal hearing afforded to the petitioners on August 31, 2020. According to the petitioners, despite producing the said certificates, impugned orders have been passed against them.

107. Counter-affidavit has been duly filed on behalf of respondent Nos.2 and 3/CCIM. It is stated that the petitioners are practitioners registered in the State of Haryana. Relevant details filed by the CCIM obtained from the verification drive is reproduced as under:

Petitioner No.	Teacher Name	Registration No.	Permanent Address	State Name	Practicing Address as per state registration	Is contact address is same as practicing address as per state registration	Contact address as per state registration
1	DEEPAK CHAUDHARY	22743		Council of Indian Medicine, Panchkula, Haryana		Yes	B-11, Shyam Nagar, Palwal
2	JITENDER KAUSHIK	23000		Council of Indian Medicine, Panchkula, Haryana		Yes	494/8, Faridabad
3	MEENA	23171		Council of Indian Medicine, Panchkula, Haryana		Yes	Kalavati Bhawan, Sainipuar, Near Dadri, Golden Transport, Charkhi Dadri, Bhiwani
4	MANOJ KUMAR	23918		Council of Indian		Yes	Chikitsn ENT Hospital,

				Medicine, Panchkula, Haryana			Near Jindal, Pipli Road, Kurukshetra
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108. It is stated by CCIM that the petitioner No. 1 is admittedly practicing at Shyam Nagar, Palwal is claiming to be a teacher at respondent No.4 in Mansa, Punjab which is about 350.7 kms away. Similarly, the petitioner No. 2 has stated his practicing address as 494/8, Faridabad, whereas he is claiming to be on roll of respondent No.4 college which is 331.1 kms away. Further, Petitioner No. 3 is admittedly practicing at Charkhi Dadri, Biwani is claiming to be a teacher at respondent No.4, which is 179.8 kms. Similarly, the petitioner No. 4 is admittedly practicing at Kurukshetra whereas he is claiming to be on roll of respondent No.4, which is 185.8 kms away.

W.P.(C) 4518/2021

109. The three petitioners herein are teachers/faculties working with respondent No.4, Bhanwar Lal Nahata Samriti Sansthan, Mandsaur Institute of Ayurveda Education and Research, Mandsaur, Madhya Pradesh. It is stated that their applications for central registration to the CCIM are pending till date.

110. It is noted that counter-affidavit has not been filed in the present petition. It is also noted from Annexure P-1, that details available on the CCIM OTMS portal depict that petitioner Nos.1 to 3 are registered with State of Maharashtra.

W.P.(C) 1855/2021

111. The petitioner herein is working on the post of Professor / Associate Professor at respondent No.3 / L.N. Ayurved College and

Hospital, J.K. Town, Sarvadharam, C-Sector, Kolar Road, Bhopal, Madhya Pradesh-462042.

112. It is stated by the petitioner that she is registered with the State of Maharashtra as per the CCIM Act.

113. Counter-affidavit has been duly filed by respondent No.1 / CCIM. It is stated by CCIM that during the verification drive undertaken by CCIM relying upon the State register sent by State Registration Council / Board containing details of registered practitioners of respective States, it was found that the petitioner was working/ actively practicing at her own State, i.e., Maharashtra.

114. Thus, it is stated by CCIM that as per the information provided by petitioner to Maharashtra Council of Indian Medicine clearly shows that petitioner is stationed and practicing in Maharashtra and is merely an On Paper teacher with respondent No.3.

W.P(C) 1881/2021

115. The two petitioners herein are working as Professors / Associate Professors at respondent No.3, L.N. Ayurved College and Hospital, J.K. Town, Sarvadharam, C-Sector, Kolar Road, Bhopal, Madhya Pradesh-462042.

116. With regard to years of practice and State of registration, the petitioners have stated as follows:

Sl. No.	Name of the petitioner	Years of practice as Ayurveda Faculty	State & Place of Registration as under CCIM Act.
1	Vivek Shamkant	30 years / 1990	Maharashtra

	Vadjikar		
2	Avinash Radke	24 Years / 1996	Maharashtra

W.P.(C) 1870/2021

117. The three petitioners herein are working on the post of Professors / Associate Professors in respondent No. 3 / SAM College of Ayurvedic Sciences & Hospital, Village Agariya Chopra, Block-Sanchi, Dist. Raisen, Madhya Pradesh – 464551.

118. With regard to years of practice and State of registration, the petitioners have stated as follows:

S. No.	Name of the petitioner	Years of practice as Ayurveda Faculty	State & Place of Registration as under CCIM Act.
1	Kalpana M. Jaiswal	32 Years / 1989	Maharashtra
2	Shailendra Lokhande	33 Years / 1988	Maharashtra
3	Rajshree Y. Patil	11 Years / 2009	Maharashtra

119. Counter-affidavit has been duly filed by respondent No.1 / CCIM. It is stated by CCIM that petitioner Nos.1 to 3 are registered with Maharashtra Council of Indian Medicine and therefore found that petitioners were working actively at their home State making them ‘On Paper Teachers’ at respondent No.4.

W.P.(C) 837/2021

120. The petitioner herein got himself centrally registered with respondent No.2/CCIM on September 1, 2006 bearing registration no. 7233 and his name was entered in the Central Register of Indian Medicine.

121. It is his case that he was appointed to the post of Professor in Kriya Sharir, SKS Ayurvedic Medical College & Hospital, NH-2, Villa-Chaumahan, District-Mathura, Uttar Pradesh on June 24, 2017. It is stated by him that thereafter he was transferred from Department of Kriya Sharir to Department of Rog Nidan of the said Medical College Hospital w.e.f December 24, 2017 and the petitioner has been residing and teaching therein for the last three years.

122. This petition was initially filed impugning the e-mail dated November 24, 2020 wherein he was classified as a On Paper Teacher and his teacher code was withdrawn.

123. It his case that the evidence provided by him is not considered by CCIM. It is pertinent to note that subsequent to change in circumstances after filing of the present writ petition, i.e., constitution of a Grievance Redressal Committee by CCIM (as detailed above in W.P.(C) 2621/2021), the petitioner filed an additional affidavit challenging the impugned order dated January 14, 2021 whereby CCIM withdrew the initially challenged order dated November 24, 2020 and unilaterally took a decision not to certify the petitioner for the year 2021 under Regulation 3(1)(f).

SUBMISSIONS

124. Mr. Sandeep Sethi, learned Senior Counsel appearing on behalf of petitioner in W.P.(C) 837/2021 submitted that CCIM, in exercise of its subordinate legislation, i.e., Regulation 3(1)(f) of the Regulations of 2016, had initially withdrawn the certification of the petitioner's teacher code for a period of 10 years but after the

petitioner filed the present petition, the CCIM cancelled the initially challenged order dated November 24, 2020 and issued the impugned email/order dated January 14, 2021 wherein it withdrew the certification of the petitioner's teacher code for the academic year 2020-21, without issuance of any fresh show cause notice and without affording any opportunity to the petitioner to file its reply thereto.

125. It is submitted by Mr. Sethi that from a reading of Regulation 3(1) of the Regulations of 2016, it is clear that it prescribes the standards for grant of permission to a college and lays down the procedure to be followed during a visit by CCIM to the college in terms of Regulation 3(1). The said regulation does not contemplate the consequence that the individual faculty member will be denied certification, rather it contemplates that the college will be denied permission if CCIM does not give certification under the terms of Regulation 3(1)(f) of Regulations of 2016. On a plain reading and interpretation of the Regulation 3(1)(f), it is apparent that it does not authorise CCIM to withdraw the certification of any faculty member even for a year, rather it only authorises CCIM to certify that a teaching faculty present in the college is not working at any other place. Therefore, the principal provision of law on which CCIM has relied for taking action against the petitioner, under the impugned order dated January 14, 2021, is completely misconceived, illegal, arbitrary and irrelevant.

126. Mr. Sethi also submitted that there is not a single provision in the CCIM Act, which either empowers CCIM to initiate any enquiry against the teachers of the Ayurveda Medical Colleges or

empowers the CCIM to withdraw the certification of the teacher's code for certain period of time. Therefore, it can be easily concluded that neither the order dated November 24, 2020 nor the impugned orders are supported by any statutory rules or regulations or statutes as the CCIM has not mentioned any statutory provision which empowers it to withdraw teachers certification for 10 years or even for a year. Section 31 of the CCIM Act provides consequences for persons enrolled on the Central Register of Indian Medicine, if they do not notify their change of place of residence and practice to the CCIM. It provides that right to participate in the election of members to the Central Council or a Board shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein but it nowhere provides that teachers code would be withdrawn if the above provision is not complied with.

127. That apart, it is submitted by him that CCIM conducted the entire exercise of inspection and enquiry of alleged 'On Paper Teachers', in exercise of its another subordinate legislation, i.e., Regulation 26 Regulations of 1982. But on a plain reading and interpretation of the said regulation, it is evident that this provision also does not empower CCIM to undertake the whole process of enquiry of alleged "on-paper teachers", rather it only mandates that every person registered as a practitioner of Indian Medicine shall intimate the concerned State Board or Council and the Central Council with respect to change in type of practice, change of address, or succeeding to another practice, etc. Therefore, it is crystal clear that entire exercise of CCIM was an eyewash and a

fraudulent exercise to extort money from thousands of innocent teachers, including the petitioner, by illegally and arbitrarily withdrawing teachers code of the teachers for a certain period of time and it also amounts to an abuse of the process of law.

128. That apart, it is submitted by him that CCIM has further relied upon several judgements of the Supreme Court in ***Medical Council of India v. The Principal, KMCT Medical College, and Anr.(supra)***, ***Basavaiah (supra)***, ***Dhananjaya Reddy (supra)***. According to him these judgements are factually and contextually different from the present case. Rather the observations quoted from these judgements were made in the context, where the impugned actions of the Union of India were exercised in conformity with the powers prescribed under the relevant Statutes and other rules and regulations made thereunder but in the present case, CCIM has exercised its power which was never in existence and which are in fact not supported by any statutes or relevant rules and regulations made thereunder.

129. Moreover, Mr. Sethi submitted that CCIM had not disclosed the penal consequence or the punishment which was proposed to be inflicted upon the petitioner in the show cause notice dated August 05, 2020 and October 01, 2020. Therefore, any action based on such a show causes notice is void, illegal, arbitrary and non-est in the eyes of law. In support of his submission, he has relied upon the Apex Court judgment in the case of ***Gorkha Security Services v. Govt. of NCT of Delhi, (2014) 9 SCC 105***.

130. Mr. Sethi also submitted that it is apparent from the order dated November 24,2020 as well as the impugned order that CCIM

has neither discussed the documentary evidence produced by the petitioner nor gave its finding on the veracity or adequacy of such documentary evidence. According to him, this proves that the said orders were passed without consideration of material on record and hence, said orders are void and non-est in the eyes of law as they are non-speaking orders which are based on no evidence.

131. Without prejudice to the legal submissions made hereinabove, it is submitted by Mr. Sethi that the unilateral cancellation of the order dated November 24, 2020 by CCIM vindicates the petitioner's contention that the petitioner's teacher code was falsely, illegally and arbitrarily withdrawn by CCIM for a period of 10 years. However, the impugned order stated that the State registration was mandatory and the petitioner was required to register with the concerned State Council where he was teaching. This, according to Mr. Sethi is contrary to its own Office Letter dated January 29, 2021 (brought on record vide an Additional Affidavit filed with the petition), which dispenses with the requirements of State registration for the teacher's who have obtained central registration as per CCIM Act. In view of the aforesaid letter, he contended that it is clear, petitioner was not required to obtain State Registration since he had already obtained Central Registration as per the CCIM Act and therefore, the impugned order is nothing but an abuse of power and authority by CCIM.

132. On the plea of the CCIM that the impugned order was passed after considering all the evidence produced by the Petitioner, it is submitted by Mr. Sethi that on a plain reading of the same, it is

crystal clear that there is no deliberation on the evidence produced by the petitioner like grocery/medicine bill, GPS locations, allotment letter of teacher quarter and no reason was provided as to why such evidence is not acceptable to the respondent No.2 and has rather entirely ignored all the evidence furnished by the petitioner. This shows that there was complete non-application of mind by CCIM in passing the impugned orders.

133. Similarly on the plea of CCIM that they have individually assessed all the cases of teachers who have been penalized, it is contended Mr.Sethi that in reality, CCIM has acted with a premeditated and biased mindset as evident from the standard format of debarment letters issued to over two thousand teachers across India without any reasoning whatsoever. He also contended that there is no reasoning put forth in the impugned orders and that all the orders debarring the various teachers are identical in their wording and content.

134. That apart on the stand of the CCIM that contends that the petitioner is an 'On Paper Teacher' and does not physically reside and teach in the college campus, it is the contention of Mr. Sethi that CCIM has failed to consider that the petitioner had produced sufficient material and documentary proofs to prove his bonafides that he has been physically residing in the campus of the college and teaching therein for the past 3 years. It is also contended by Mr. Sethi that the case of the petitioner is on a much higher footing than other petitioners as the petitioner, vide letter dated July 20, 2020, had furnished the required notarised affidavit and documents to CCIM in compliance with the directions of CCIM vide letter dated

July 14, 2020, whereby CCIM had directed the teachers of the Ayush colleges in India to file affidavits of the teachers who are working in their colleges.

135. Mr. A. Mariaputham, learned Senior Counsel appearing on behalf of the petitioners in W.P.(C) Nos. 2621/2021 and 2762/2021 contended that the impugned order dated January 14, 2021 by which the petitioner teachers were not certified as not employed elsewhere, are liable to be quashed for violation of principles of natural justice, failure to consider the material furnished by the petitioners and as no reasons considering the same recorded in the impugned orders. In this regard, he has relied upon the judgment in the case of *S.N. Mukherjee v. UOI (1990) 4 SCC 594*, wherein it is *inter-alia* held that impugned order based on no evidence is perverse and for the said reason is liable to be quashed.

136. He also submitted, by relying upon *Kuldeep Singh v. Commissioner of Police and Anr. (1999) 2 SCC 10*, that complaint against some teachers cannot form the basis for imposing a penalty on another teacher. In any event, it is the submission that no evidence of any such complaint has been produced before this Court. Moreover, it is submitted by him that the impugned order is contrary to the statutory provisions; CCIM Act and the Regulations of 2016. Also, CCIM has no disciplinary powers over the teachers.

137. It is stated by him that what is pleaded by CCIM is that there were complaints that teachers were not regularly undertaking teaching work. However, no copy of any such complaint and any such complaint against the petitioners has been pleaded or produced. No such complaints against the petitioners were put to

them. General complaints against others cannot form the basis for taking punitive action or passing adverse orders against the petitioners in the present case without specific complaint or material against the petitioners. Material and punishment have to be individual specific.

138. That apart, it is submitted by Mr. Mariarputham that the inference drawn by CCIM that the petitioners are practicing at the place mentioned as practicing address while seeking registration initially is incorrect and contrary to Section 29 of the CCIM Act and not warranted at all. According to him, the effect of Sections 23, 24 and 25 of the CCIM Act is, that the names of all persons registered with a State Council shall be entered in the Central Register and it is the responsibility of the State and Central Councils to keep the Central Register updated. In other words, by virtue of registration with the State Council, a person automatically gets registration in the Central Register.

139. It is submitted by Mr. Mariarputham that Section 29 of the CCIM Act provides, if the name of a person is borne on the Central Register, he can practice in any part of the Country. Effect of the same being, there cannot be an inference, much less a conclusive one, that a person is practicing at or only at the place mentioned as practicing address at the time of initial registration with the State Board. He could be practicing in any part of the Country by virtue of Section 29 of the CCIM Act. In this light, it is his submission that there is no logic or correlation to the inference drawn by CCIM and hence the impugned order is perverse and not justified.

140. Further, Mr. Mariarputham submitted that the petitioners produced materials to establish that they were actually undertaking teaching work in the Colleges where they were employed. However, none of this have been considered and no fault found with any of them while passing identically worded cyclostyled order disqualifying the teachers.

141. In this regard he stated that pursuant to particulars being asked for, vide communication dated July 13, 2020, the teachers filed affidavits giving location of College where they are teaching, their current address etc. and that vide communication dated October 02, 2020 – the CCIM asked the teachers to furnish 7 out of 12 particulars asked for. The petitioners/teachers herein submitted material/documentary proof in this regard which were not considered by the CCIM, neither in the order dated November 24, 2020 nor in the impugned order(s). It is also submitted by Mr. Mariarputham that the order dated November 24, 2020 withdrawing the teacher code for a period of 10 years was withdrawn and cancelled by the impugned order and a different order not certifying the teachers under Regulation 3(1)(f) of Regulations of 2016 was passed by the later order.

142. It is also submitted by him that before the impugned order dated January 14, 2021 was passed, detailed representation/material were furnished by the petitioners, but not considered. None of these material is considered while passing the impugned order dated January 14, 2021. Such non-consideration is a violation of principles of natural justice vitiating the impugned order.

143. In support of his submission, Mr. Mariarputham has relied upon the Apex Court judgment in *Vasvi Engineering College v. State of Telangana*, (2019) 7 SCC 172, wherein it is *inter-alia* held that if relevant materials/factors are not taken into consideration, and/or irrelevant factors are taken into account or material not disclosed to the person is taken into consideration, such an order as in the present case is liable to be quashed.

144. That apart, it is submitted by Mr. Mariarputham that the petitioners have made applications for Central Registration which are still pending and not decided - even though not required by the CCIM Act. He also submitted that the petitioners had also applied for registration with the Uttar Pradesh State Board as the College is situated in Uttar Pradesh and the same was granted prior to the impugned order dated January 14, 2021.

145. He further submitted that the scope of Regulation 3(1)(f) of Regulations of 2016 has been misconstrued and wrongly invoked. According to him the scope of Regulation 3(1)(f) is to see that a teacher is not employed in two different colleges and not claimed by more than one college, not that the teacher is also doing practice as a Doctor, which burden is on the CCIM and has not been discharged by it.

146. Mr. Mariarputham submitted that in Para 10 of the Counter Affidavit in W.P.(C) No. 2621 of 2021, the CCIM has taken a stand that “Ayush practitioners can teach as well as practice at the same time”. Dilating upon the same, it is his submission that what is required to be seen is whether the teacher is doing the required teaching in a college and not any other factor. In this regard, it is

stated by him that the petitioners have been working in the present college since 2017/2018 and that in the past years they had been certified and there is no change in circumstances in the current academic year.

147. He also submitted that the plea of CCIM relating to Regulation 26 of Regulations of 1982 has nothing to do with Regulation 3(1)(f) of Regulations of 2016 and that the said plea is a new one and cannot be permitted to be taken at a belated stage. Also, a statutory order cannot be supported by new reasons by way of an Affidavit. (***Ref:- Mohinder Singh Gill v. Chief Election Commissioner, New Delhi (1978) 1 SCC 405***). According to Mr. Mariarputham, this was never put to the petitioners/ prior to passing of the impugned order. Further, in any event Regulation 26 which requires change of address to be intimated/communicated to the State Council/Board and the Central Council is merely procedural in character and does not lay down and provide for any penalty or adverse consequences for its noncompliance. It is not even made a subject matter of disciplinary proceedings under Regulation 32. More importantly, he stated that under Section 31 of the CCIM Act, the only penalty that can be imposed is not allowing the teacher concerned to vote at an election. In other words, disqualifying a teacher by not certifying him is beyond the provisions of the Regulations of 1982 and in particular Section 31 of the CCIM Act and therefore the impugned order is bad in law and contrary to statutory provisions.

148. Mr. Mariarputham, in his rejoinder submission, vehemently contended that impugned orders dated January 14, 2021/January 15,

2021 have to be tested only with reference to and based on reasons set out in the said orders. The stand taken by CCIM in its counter affidavit and further pleas put forth during the oral arguments seeking to supplement the same cannot be invoked and cannot form the basis for justifying the decision vide the impugned orders.

149. He also submitted that the impugned orders are under Regulation 3(1)(f) of the Regulations of 2016. According to him, Regulation 3(1)(f) of the Regulations of 2016 comes into play only in the event of inspection of a college for the purposes of grant of permission to the college or renewal of annual permission and Regulation 3(1)(f) cannot be invoked independent of the same, i.e., as against the teachers without reference to permission sought by the College and inspection of the college pursuant to the same.

150. It is further submitted by him that Regulation 3(1)(f) of the Regulations of 2016 comes into play only when there is a physical inspection and not otherwise. In the present case, due to the pandemic, according to CCIM there was no inspection. If that be so, Regulation 3(1)(f) could not have been invoked against the college or the teachers. More importantly, in respect of the teachers as there was no physical verification of the teachers whether the teachers were working in the colleges or not cannot be ascertained. He also stated that the entire exercise of non-certification on the other hand has been based on guesswork and conjectures without following and complying with the requirements of Regulation 3(1)(f); rendering the impugned orders bad in law.

151. That apart, Mr. Mariarputham submitted that the CCIM does not have disciplinary powers or jurisdiction over the teachers.

Under the CCIM Act, disciplinary jurisdiction is vested only with the State Council and not with the CCIM. Punishment of debarring the teachers for one year imposed by the CCIM on the teachers concerned is without legislative sanction and power.

152. Right to life and livelihood and to carry on a profession is a protected fundamental right under Article 21 and Article 19(1)(g) of the Constitution of India. The same can be adversely interfered with only if the authority purporting to do so, is given a power in this regard by a legislation, which is absent in the present case. According to him, even if there is such a power, the same can be invoked only on the basis of clear and cogent evidence against the teacher concerned and not on the basis of mere conjectures and surmises and on legal inferences not warranted by law. Any punitive action such as the impugned one which has the effect of taking away the status of a teacher and thereby depriving him of his fundamental right as adverted to above, has to be following the principles of natural justice, which according to him is not the case in the petitions herein.

153. Further, it is also contended by him that the CCIM never sought compliance from any teacher with Regulation 26 of the Regulations of 1982 till date and has surprisingly chosen to do so in this pandemic year, and that too when physical inspection of the colleges were not carried out. He stated that there is no reference to alleged non-compliance with Regulation 26 of the Regulations of 1982 in the impugned orders dated January 14, 2021/January 15, 2021. Therefore, it cannot be invoked to justify the orders dated January 14, 2021/January 15, 2021 and more importantly, the said

plea taken by the CCIM is contradictory to the basis on which it imposed the penalty of non-certification under Regulation 3(1)(f) of the Regulations of 2016.

154. In this regard Mr. Mariarputham submitted that non-compliance with Regulation 26 of the Regulations of 1982 arises when the person has shifted from the original location to a different location and did not intimate such shifting to the State Council/Board etc. By way of illustration, a teacher had shown Pune as his/her place of practice initially while registering as a Doctor. Subsequently, after many years the person shifted to Agra and took up work as a teacher in a college in Agra. In terms of Regulation 26 of the Regulations of 1982, he/she is required to intimate such change to the State Council/Board etc. In other words, it is his submission that compliance with Regulation 26 of the Regulations of 1982 arise only when there is a shifting from one place to another, change of address and not otherwise. To invoke non-compliance with Regulation 26, it has to be accepted that teacher has shifted from Pune to Agra. If it is not so accepted and is treated as practicing in Pune, then Regulation 26 is not attracted and there is no non-compliance with Regulation 26.

155. The impugned orders dated January 14, is based on the stand of the CCIM that the teacher is not teaching at Agra but is continuing to practice at Pune. If that be so, Regulation 26 and its non-compliance is not attracted because there is no shifting/ no change of address at all.

156. According to him, when the CCIM seeks to invoke Regulation 26 of the Regulations of 1982 and its non-compliance, it

means that it accepts the fact that teacher has changed/shifted from Pune to Agra, but did not intimate such change. If the present stand of the CCIM invoking non-intimation of change of address as per Regulation 26 of the Regulations of 1982 is accepted as correct, it necessarily follows that as per this stand, the teacher is at present in Agra. If that be so, whatever other action the CCIM or State Council could take, it cannot refuse to certify the teacher under Regulation 3(1)(f) of the Regulations of 2016 as he is working in Agra. Regulation 3(1)(f) of the Regulations of 2016 is that a teacher being not certified because he is working in some other place. That situation would not arise when Regulation 26 of the Regulations of 1982 is invoked as explained above.

157. It is also submitted by Mr. Mariarputham that the stand being taken by the CCIM invoking Regulation 26 and its non-compliance apart from being contradictory to its earlier position in the impugned order, if this is taken as the final stand of the CCIM, for that reason alone, the impugned order dated January 14, 2021 is liable to be set aside as the effect of such a stand is that the CCIM accepts that the teacher is in Agra having changed his place from Pune to Agra.

158. That apart, it is stated by Mr. Mariarputham that a number of teachers in several other Colleges have been certified by the CCIM even though these teachers were registered outside the State where the Colleges are located. Therefore, it is evident that registration in the State where the College is located is not a criterion which has been followed by the CCIM uniformly, and the entire exercise is flawed and ought to be struck down on the ground

of arbitrariness and non-application of mind. Moreover, in respect of teachers in Government Colleges, no such exercise has been undertaken and only teachers in private colleges have been selectively targeted, which is a violation of Article 14 of the Constitution of India.

159. He also submitted that certain State enactments annexed to the written submissions of the CCIM are beyond what is contained in the impugned orders dated January 14, 2021/January 15, 2021 and even the counter affidavit. According to him, the same cannot be taken into consideration and cannot form the basis or for supplementing the impugned orders dated January 14, 2021 / January 15, 2021. It has to be ignored in view of the judgment in *Mohinder Singh Gill (supra)*.

160. Without prejudice, it is submitted by Mr. Mariarputham that the State legislations have nothing to do with permission being granted to a college or certification of teachers of the colleges in the context of inspection for granting permission to colleges. State Councils/Boards have no role in regard to colleges and teachers or grant of permission to colleges and as to which teacher can be accepted as a teacher of the college etc. Therefore, State legislations providing for change of address to be intimated to the State Councils/Boards also does not advance the case of CCIM.

161. That a teacher did not intimate his change of address cannot in anyway decide the question whether he is actually working and undertaking teaching work in the college where he is employed. In any event it cannot be done as a matter of mere inference by invoking non-compliance with Regulation 26 of the Regulations of

1982, more so, when substantial evidence was produced by the teachers that they were employed by the college concerned and was undertaking teaching in the college concerned which has not been considered by the CCIM while passing the impugned order.

162. Mr. Mariarputham submitted that even under the communication in October 2020, the CCIM itself sought for material (7 out of 12 items) to ascertain whether the teachers are available in the location of the college, but the same have been ignored and not taken into consideration. The plea, therefore, taken by the CCIM that it was tedious and onerous to undertake an exercise of verification of material produced by the teachers and therefore, they resorted to the place of practice mentioned in the State Register as the only basis for the impugned decision, is wholly untenable and bad in law. He submitted that it would have been time consuming or tedious for the CCIM to undertake verification cannot justify a decision on its part to disqualify the teachers without undertaking such a verification. It is the duty of an authority to undertake a verification of facts before imposing a penalty, which the CCIM has admitted that it has not done so since in its opinion it is tedious. If an order is passed ignoring relevant material and relying upon irrelevant material and wrong inferences, as submitted earlier such an order would be a perverse order and liable to be quashed, in exercise of powers under Article 226 of the Constitution of India.

163. On the plea of CCIM that there are disputed facts and therefore, the writ petitions are not maintainable, it is submitted by Mr. Mariarputham that if there were facts which were required to be

considered by the CCIM, non-consideration of the same cannot be justified by pleading that these are disputed facts. The same ought to have been considered by the CCIM before passing the impugned orders. Non consideration of the same renders the impugned orders liable to be quashed, being violative of principles of natural justice, especially when fundamental rights of the petitioners as teachers are involved. If a decision had to be made by the CCIM adverting to relevant facts, which it failed to do so, it is not an answer that it involves disputed questions of facts.

164. In this regard, he also submitted that when fundamental rights are involved, this Court could consider not only the legal principles, statutory provisions as submitted earlier and violation of principles of natural justice namely, relevant factors were not taken into consideration. The claim of the CCIM that some facts are disputed will not in any manner debar this Court from considering them in the context of fundamental rights of the teachers and relief based on the same.

165. Referring to the plea that impugned action is because there were complaints that teachers were not regularly undertaking teaching work and were only 'on paper' teachers, it is submitted by Mr. Mariarputham that it cannot form the basis for a cyclostyled identical order across the board against teachers in general and there has to be individual specific and action could have been taken only against teachers against whom there were specific complaints and material to show that a particular teacher is an 'On Paper' Teacher, after giving them an opportunity to deal with the same and there after passing an order against the individual teacher. Further, no

complaint against any individual teacher has been produced on record by the CCIM or put to the teacher concerned.

166. That apart, it is submitted by Mr. Mariarputham that the plea of CCIM that the information furnished on the OTMS portal and certification in the previous years should be discarded, is not tenable. According to him the plea that the OTMS portal is only for transfer of teachers from one college to another is factually incorrect as one of the applications available on the portal is for issuance of fresh teacher code for newly appointed teachers. It has a provision for granting teacher code for the first time i.e., fresh appointment/employment also. Clause 3 of Para (1) of the OTMS Guidelines reads as under:

“1. After revamping the online Teacher management system the following

<i>Sl. No.</i>	<i>Type of application</i>	<i>Applicant</i>	<i>Workflow of approval</i>
<i>1</i>	<i>Application for Resignation</i>	<i>Teacher</i>	<i>Teacher-->College</i>
<i>2</i>	<i>Application for Appointment of Teacher who already have Teacher code</i>	<i>College</i>	<i>College --> CCIM</i>
<i>3</i>	<i>Application for appointment of Fresh Teacher</i>	<i>College</i>	<i>College --> CCIM</i>
<i>4</i>	<i>Application for promotion</i>	<i>Teacher</i>	<i>Teacher-->College</i>

	<i>of Teacher with Existing Teacher Code</i>		
5	<i>Application for adding additional qualification of Teacher with Existing Teacher Code</i>	<i>Teacher</i>	<i>Teacher-- >College</i>

167. Therefore, it is his submission that the OTMS portal covers all teachers i.e., fresh teachers being appointed for the first time and also teachers appointed upon transfer/resignation from another college and also promotion of teachers to a higher post.

168. Further, it is submitted by him that teacher code is not mechanically issued, it is issued after due verification of the details by the CCIM of the teachers which includes details where the teacher is registered etc. What is relevant is that without any change in the circumstances or data in the past years, on the basis of the same information, after due verification, the teachers were not only issued teacher code but also duly certified. Having regard to the same, the plea that verification is an annual process is without any meaning as there is no change in the data or circumstances concerning the teachers. Also, furnishing information on the OTMS portal amounts to intimation of current address/change of address and is substantial compliance with Regulation 26 of Regulations of 1982 in so far as it relates to the CCIM. After the CCIM has been duly intimated of the same, it cannot take any action on the basis of not intimating the State Council/Board. The State Council/Board

has not complained or initiated any action and therefore, the CCIM cannot refuse certification to the teachers. The only punishment the State Council/Board could take is debarring the person concerned from participating in elections.

169. On the plea of CCIM that it is an Expert Body and therefore, its decisions cannot be interfered with by this Court, it is submitted by Mr. Mariarputham that the said plea does not give CCIM any immunity from scrutiny by this Court and its decision being quashed if the decision is found to be arbitrary, unfair and totally disproportionate and contrary to the CCIM Act and the Regulations. That apart he also stated that CCIM and the Grievance Redressal Committee constituted by it is not an Expert Body on appreciation of evidence which was involved in the present case.

170. It is further submitted by him that the plea by CCIM that there were discrepancies and the documents did not have substantial evidentiary value is incorrect. According to him, CCIM had itself asked for these documents and cannot now claim that they did not have evidentiary value. Further, if there were discrepancies as alleged by CCIM, it ought to have been put to the teachers and they should have been given an opportunity to deal with the same, which was not done. Also, the same should have been reflected in the impugned order dated January 14, 2021, which is absent.

171. He also submitted that Form 16 of the Income Tax Returns were never sought by CCIM. If according to the CCIM, if the same was required to be furnished, it should have asked for it but it did not. Moreover, he submitted that the final decision dated January 14, 2021 was not based on Form 16 Income Tax Returns or the

absence of the same but on a different basis i.e., entries in State Registers and therefore, this plea is irrelevant for testing the legality of the impugned orders.

172. According to Mr. Mariarputham, the plea that for inclusion in the Central Register, there has to be satisfaction on the part of the Registrar is incorrect. He stated that there is no separate criteria or qualification prescribed in the CCIM Act for inclusion in the Central Register. The qualifications required for inclusion in the Central Register are the same as inclusion in the State Register and as such it is automatic. If according to the CCIM, the Registrar of the CCIM has not carried out his statutory responsibilities of entering the name of the teachers/doctors in the Central Register, the same cannot be put against the teachers and the same ought to have been done within a year of their enrolment in the State Register and transfer of the data to the CCIM which is long past by many years. There was no intimation by the Central Registrar to any of the teachers that their names have not been entered in the Central Register.

173. He also stated that the plea of CCIM that the Registration Certificates issued by the Uttar Pradesh were not before the Board of Governors or the Grievance Redressal Authority, could not be taken into consideration, as the same was in fact brought to the notice of the CCIM; in the Writ Petition No. 2762 of 2021 as **Annexure P-5**. Taking note of the same, the CCIM ought to have withdrawn the impugned order(s) against the teachers concerned but has failed to do so till today.

174. On the allegations against some teachers by CCIM annexing certain website details, it is submitted by Mr. Mariarputham that the same cannot be looked into and ought not to be taken into consideration by this Court while testing the validity of the impugned orders for the reason that these were not the basis for the above said impugned orders dated January 14, 2021 / January 15, 2021 and they were never put to the teachers at any point of time in the process leading to the said impugned orders and were not given an opportunity to deal with the same. Also, these are mere allegations and not verified or authenticated by anyone. To take them into consideration would be in violation of the principles of natural justice as well apart from being contrary to the judgement of the Constitution Bench of the Supreme Court in ***Mohinder Singh Gill (supra)***. He also stated that it is peculiar to see that the CCIM is unwilling to accept the information and details of teachers on its own website on the OTMS portal but is placing greater reliance on unverified third-party websites like Justdial etc.

175. Mr. Siddharth Gupta, learned counsel appearing for petitioners in W.P.(C)1226/2021 and W.P.(C) 1271/2021 submitted that the petitioners are working as Professor/Associate Professor Mansarovar Ayurvedic College, Bhopal, Madhya Pradesh and Sri Sai Institute of Ayurveda Research and Medicine Bhopal, Madhya Pradesh respectively. He submitted that they are working out of their State of registration in the State of Madhya Pradesh for the last many years and the CCIM never objected to their employment or services. He submitted that CCIM had never objected to their working outside the Madhya Pradesh, much less the violation of

Regulation 26 of the Regulations of 1982. He also submitted that it was for the first time in the impugned order(s) that the punishment was imposed debarring/decertifying the petitioners in the respondent's institution, when it was never referred to in the show cause notices. For the first time reference was made to Regulation 3(1)(f) of the Regulations of 2016, which was never even referred to any of the show cause notices.

176. Thus, he submitted that the show cause notices received prior to the passing of impugned orders, both in the first round (i.e. in November 2020) and in the second round (i.e. in January 2021 by the GRA, CCIM), never contained any caveat or warning, much less ground to the petitioners of being subjected to any kind of adverse or punitive actions (which was also never communicated) of being subjected to the withdrawal of teacher code/certification in the way it has been done in the impugned order. In fact, he submitted that it was obligatory for the CCIM to have duly intimated the petitioners that adverse punitive actions shall be taken against them for their registration outside their employment/practice than the place where they are actually registered.

177. In this regard, Mr. Gupta has relied upon the Apex Court judgment in the case of ***Vetindia Pharmaceuticals Limited v. State of Uttar Pradesh & Another, (2021) 1 SCC 804***, wherein it is *inter-alia* held that where show cause notice is vague, the grounds for imposition of punishment or punitive action are not communicated and the proposed punishment is also not intimated to the concerned delinquent or the person to be subjected to the punishment, then the final order gets vitiated. It was further held in the said judgment that

principles of natural justice require that the person should know the case being set up against him clearly and therefore, failing which the decision making authority violates the principles of natural justice. Reliance was also place on the Supreme Court judgment in ***Gorkha Security Services v. Govt. Of NCT of Delhi, (2014) 9 SCC 105.***

178. Further, it is submitted by Mr. Gupta that the petitioners were never supplied with any material, complaint or the documents which were sought to be relied upon against them for arriving at the final decision of they being a 'On `Paper Teacher' and not 'Regular Faculty', except email correspondences, notice and letters intimating the date of virtual hearing and the documents which they were required to produce, never were they show caused along with the supporting material (used against them) about the action being taken against them and why they were being proceeded against. Moreover, according to him it was also obligatory for the CCIM to have clearly intimated the petitioners through proper show cause notice, if it proposed to take action for violation of provisions of Regulation 26 of the Regulations of 1982 or under Regulation 3(1)(f) of the Regulations of 2016 by the CCIM. The petitioners were never show caused that they are being proceeded against under said regulations nor the same was ever reflected in the impugned order. It is further submitted by Mr. Gupta that the first order debarring the petitioners for 10 years from the teaching practice and decertifying them as a teacher was also passed in the same way, viz. without any proper and definitely worded show cause notice and the Grievance Redressal Committee passed the

very same order except a change of the last para, merely substituting the original punishment with the lesser punishment. Otherwise, both the orders passed by the CCIM, in the first round (i.e., November, 2020) and in the second round (i.e., the impugned orders passed in January, 2021) are identically worded and similar except the last para, in which the punishment has been simply reduced. Therefore, on the aforementioned ground of violation of principles of natural justice, the impugned order deserves to be quashed by this Court.

179. That apart, it is submitted by Mr. Gupta that the impugned orders passed by CCIM are ex-facie discriminatory, violative of Article 14 and Article 19(1)(g) read with Article 21 of the Constitution of India, as large number of identically situated BAMS teachers, have either been not even touched or have been exonerated by the CCIM with identical facts, circumstances and grounds.

180. In this regard, he stated that more than hundred teachers are working in Government Ayurveda Institutions of the State of Madhya Pradesh. The petitioners have themselves referred to and annexed (**ANNEXURE P-4 AND P-5** of **W.P. (Civil) No.-1226/2021**) examples of around 20 to 22 teachers from various Governmental Institutions in the State of Madhya Pradesh, who are registered in other States, but are working as teachers in the State of Madhya Pradesh. It is stated by him that the CCIM had never initiated any proceedings against them as has been initiated against the petitioners. The CCIM never bothered even to issue them a show-cause notice seeking explanation about their actual status or

whether they have got their registration shifted in the State of Madhya Pradesh. According to Mr. Gupta the wordings and the basis of the impugned orders, viz. that the petitioners being employed and working in a State other than the place of registration applies with equal force to all such other teachers as well, employed in the Government Institutions of the State of Madhya Pradesh.

181. It is also submitted by Mr. Gupta that the CCIM has not disputed, denied or contested the aforesaid submissions made on affidavits by the petitioners, so supported by all the necessary documents and evidences. This amounts to specific admission on the part of CCIM that they have deliberately chosen not to proceed against hundreds of Ayurveda teachers registered outside the State of Madhya Pradesh but teaching in Madhya Pradesh so employed in Government Institutions. This pick & choose tactics of CCIM, more so in the context of Regulation 26 of the Regulations of 1982 is discriminatory, violative of Article 14 of the Constitution of the India. Moreover, it is submitted by that it has never been the case of the CCIM that Regulation 26 of the Regulations of 1982 applies only to teachers employed in the Private Institutions and not to any of the employee working in the Government Institutions. Therefore, apart from being arbitrary, the conduct of the CCIM in not even touching teachers of the Government Institutions is clearly unreasonable and unfair, being violative of Article 19 (1)(g) read with Article 21 of the Constitution of India.

182. That apart, it is submitted by Mr. Gupta that the petitioners have specifically averred that initially in the first round (i.e. in November 2020) around 1500 to 1800 Ayurveda teachers were

decertified across the country, when the Grievance Redressal Committee was constituted and the said Committee dwelled into all the orders of debarment/ disqualification passed by the CCIM. The orders passed by Grievance Redressal Committee of CCIM, which is the very same authority, very same Officers, passed identically worded order, except the change of last para, as was passed in the first round. In both the orders the reasons for decertification of petitioners are that they are registered outside the State of Madhya Pradesh in another State. He stated that however, vide **ANNEXURE P-19** (Pg.298 to 313) the petitioners specifically averred that six teachers, who were decertified/ debarred/disqualified for ten years along with them in the first round of the order passed by the CCIM (i.e. November 2020), were through identically worded cyclostyle orders exonerated by the CCIM as regular full time faculty members. These six teachers whose orders were also annexed with the writ petition, registered in another State, and teaching in Madhya Pradesh and no separate evidence, document, paper, ground has been adverted to by the CCIM as to why through the very same identically worded orders they were exonerated, whilst the petitioners were punished. Mr. Gupta submitted that there are hundreds of such orders being passed, wherein a large number of teachers were exonerated by the CCIM, whilst teachers like the petitioners who could not make the officers of the CCIM happy in the way they expected out of them were decertified. This, according to him clearly smacks of a scam like affair in the whole process in the passing of orders, especially

in the second round by the Grievance Redressal Committee of CCIM.

183. Mr. Gupta further stated that the above factum clearly shows the arbitrary pick and choose adopted by the CCIM for reasons best known to it and the said submissions and grounds have not been countered/contested by the CCIM and nor has any justification produced in support thereon. The CCIM also did not contest the submission by demonstrating that in the case of said exonerated teachers, the compliance of Regulation 26 of the Regulations of 1982 was appropriately met and therefore they were exempted. Mr. Gupta vehemently contended that since there is no averment in response to the aforesaid submissions, which clearly amounts to unconditional admission on the part of the respondent CCIM.

184. That apart, Mr. Gupta contended that Regulation 3(1)(f) of the Regulations of 2016 is not applicable & cannot be invoked by the CCIM for passing the impugned order, in view of the overall scheme of Regulation 3 of the Regulations of 2016. In this regard, he stated that the impugned orders both in the first round (i.e. November 2020) and in the second round by the GRA, CCIM (i.e. January, 2021) have been passed by the CCIM relying and referring to Regulation 3(1)(f) of the Regulation of 2016 enacted by it. According to him, Regulation 3(1)(f) cannot stand in silos, alienated and isolated from the overall bodily structure of Regulation 3, which pertains to the grant of permission to any Ayurveda institution for imparting BMS Course. Mr. Gupta submitted that as per the scheme of Regulation 3 of the Regulations

of 2016, the following essential stages are involved in the processing of application of permission of any Ayurveda institution (Government or Private):

- a. Filing of application by the institution on the online portal of CCIM;
- b. Conducting of physical inspection by the authorized visitors/inspectors of the applicant institution applying for permission;
- c. Carrying out a videography and photography of the entire infrastructural, instructional and existence of other norms and standards of the applicant institution;
- d. Preparation of an inspection report by the inspectors and visitors visiting the institution and forwarding of the same with its opinions to the CCIM;
- e. Certification of teachers as not working at any other place, which are shown to have been employed in the concerned institution (at the time inspection);

185. In view of the scope of Regulation 3(1)(f) of the Regulations of 2016, it is submitted by Mr. Gupta that Regulation 3 is a 'complete package' in itself, and the individual ingredients of the whole process, which is like a manufacturing process cannot be broken into pieces to be resorted to by the CCIM against the teachers. He submitted that the said provision is applicable only qua institutions, and cannot be used as a punitive measure or provision

against the teachers. Further, the occasion to resort to 3(1)(f) and exercise of such power can arise only when the preceding exercise as mentioned in the previous sub-clauses of Regulation 3 has been carried out and effected, viz carrying out a Physical Inspection by the experts and visitors of the concerned Institution; preparation of Videography and Photography and preparation of an inspection report being forwarded to the CCIM. Thus, according to him, if none of the aforesaid exercises have been carried out or the other ingredients of the overall process have not been effected, then clearly Regulation 3(1)(f) cannot be resorted to by the CCIM for taking the actions which has been impugned in the present Petition.

186. With reference to the factual aspects, it is submitted by Mr. Gupta that it is clear from the letter dated July, 13 2020 issued by the CCIM to all the Ayurveda colleges of the country, no Physical Inspections were carried out in any of the Ayurveda Institutions of the States. Even the e- Inspections were also not carried out or effected, of any of the institutions, as has been done by other regulatory bodies/ authorities Governing other Institutions other categories of courses like MBBS, Engineering, Pharmacy, MBA, Dental (BDS), etc. He stated that the CCIM took a policy decision not to conduct any Inspections (Physical/ e-Inspections) of any of the Ayurveda Institutions and instead called for affidavits and undertakings from various colleges for taking a decision over their permissions. Thus, the occasion for exercise of powers under Regulation 3 of the Regulations of 2016 couldn't arise at all in the Academic year 2020-2021 as there were no inspections of any nature.

187. Further, it is submitted by Mr. Gupta that disqualification / decertification of a teacher on the ground of him/ her being registered in another State can only be created by way of a duly Gazetted Regulation and not otherwise. There is no statutory provision empowering CCIM to decertify/disqualify any teacher on such ground. In this regard, by referring to Section 36 CCIM Act, Mr. Gupta contended that the said provision also clearly mandates those provisions with respect to qualifications of teachers, faculty and other employees of any institution can be effected only through duly enacted regulations.

188. Mr. Gupta also made reference to Regulation 8 of the Regulations of 2016, which provides for eligibility and qualifications of a teacher or any person undertaking the employment of teaching in any Ayurveda institution. By referring to the statutory scheme of the CCIM Act and the Regulations mentioned above, he stated that the following points emerge:

A. There is no other officially notified/gazetted document/Regulation which is in place duly communicated to the Petitioner through ordinary and legally acceptable modes of communication, which would have created two categories of Faculty viz. '**Paper Faculty**' and '**Regular full-time on-spot Faculty**' and the procedure for investigation and enquiry for differentiating between the said two categories of Faculty/Teaching Staff. There is absolutely no legislative provision of any nature whatsoever notified/gazetted or communicated to the Petitioner by the

CCIM or the Central Government stating that registration in one State as a Medical Practitioner shall be treated as an automatic disqualification for working or employed as a Faculty/Teaching Staff in another State and that the same may be counted as a criteria for treating the said Ayurveda Teacher as a 'Paper Faculty'. Reliance has been placed on the Supreme Court judgments ***B.K. Srinivasan & Another v. State of Karnataka & Ors., 1987 SCC (1) 658*** and ***Union of India and Ors. v. Ganesh Das Bhojraj [(2000) 9 SCC 461]***, wherein inter-alia it is clearly held that requirement of law is bringing into force any provision through publication in the Official Gazette has to be followed.

B. The procedure which is prescribed for verifying, ascertaining the faculty and other aspects of any institution is provided under Section 13A of the CCIM Act read with Reg. 3 of the Regulations of 2016 comprehensively as above referred wherein surprise physical verifications and inspections are conducted by the expert bodies of the CCIM and they, in turn, take a call on whether to grant approval or permission to the concerned institution or not. Under Section 13A, nowhere is any such provision & procedure contemplated as has been adopted in the present case for debarring any BAMS degree holder from being treated as full time faculty.

C. There is no provision disqualifying any Ayurveda Teacher from teaching on the ground that his registration as

a medical practitioner is from another State, different from where he is serving as a faculty. Since such provisions pertaining to norms and standards can be made only by way of duly notified and gazetted Regulations under Section 36 of CCIM Act, and not otherwise, therefore, the impugned decision having been passed by the CCIM outside the four corners and ambit of Section 13A and in the absence of publicly notified Regulations becomes repugnant to the CCIM Act. In terms of Section 36 of the CCIM Act, whatever provisions pertaining to norms and standards, (even that of faculty) can be made only & only by way of Regulations and not otherwise.

D. A person who is registered in any State of the country as a medical practitioner can practice in any part of the country and that there is no bar or prohibition that he cannot practice/undertake any profession in any State, other than that where he/she is registered. From the above it is clear that the ground of being any employee registered in a State out of Madhya Pradesh or other than where the person is teaching as an Ayurveda teacher can be treated as a disqualification or a condition of in-eligibility only when the same is provided by way of statutory provisions ingrained as a Regulation. The requirement of a person being registered in the same State as a place where he is teaching, and not any other State is nowhere provided in the Regulations as an 'Eligibility or a Qualification'. In the

absence of any such statutory prescription, clearly the same cannot be made a ground for imposing a punitive decision on the petitioners. Ergo, the only requirement is that he should be a BAMS degree holder and registered with any State Government on its State register. If any disqualification is to be created or any restriction is to be created, the same can be done only by way of an amendment in the parent enactment, since that would tantamount to restriction on the fundamental rights of the citizen. The CCIM Act and all set of regulations nowhere put any such restriction.

E. Under both the set of Regulations of 2016 framed under the CCIM Act, there are no provisions, substantive and procedural both with respect to demarcation/labelling of certain category of faculty members as ‘On-Paper Faculty’ and the others as the ‘Regular/full-time/on-spot faculty’. The identification is ascertained (if any) is done only on the basis of the procedure provided thereunder, viz., availability of attendance registers, employment letters, Form 16A entries (IT Act), and bank statements of the concerned faculty members for verifying whether the faculty is actually employed and working in the concerned institution on surprise physical inspections. The aforesaid physical inspections are being undertaken in view of Section 13 of the CCIM Act read with Regulation 3 of the Regulations of 2016, whereafter on the basis of the recommendations of the

CCIM, the Central Government takes a call on granting or rejecting permission to the concerned Institution. Thus, Regulation 3(1)(f) cannot be treated as a stand alone provision in silos which confers substantive powers on the CCIM to disqualify/disentitle any faculty from being treated as a full-time faculty under the Regulations of 2016 being in possession of the valid Teacher Code & possessing all the necessary qualifications, specifics as required under the CCIM Act.

F. The manner in which the hearing notices were issued, virtual hearings were held, documents summoned and verified, and impugned order passed by the CCIM is nowhere reflected as a statutory procedure for differentiating both the categories of faculty, viz., On Paper Faculty and On-spot faculty under the CCIM Act or the Regulations of 2016. Aforementioned are the salient points and features which can be conveniently culled out from a proper reading of the CCIM Act, as also the Regulations of 2016 framed thereunder.

189. It is also submitted by Mr. Gupta that imposition of punishment of 'decertification as a teacher' or 'decertifying the Teacher Code' has nowhere been provided as a punishment for being registered in another State or for violation of Regulation 26 by the CCIM. According to him, the Teacher Code has been assigned under the provisions of Regulation of 2016 only for the purposes of unique identification of a teacher, for linking him with

the concerned institution where he is practicing/ teaching or employed as an Ayurveda Teacher. The creation of Teacher code is only for the purpose of unique identification and to avoid the possibility of the teachers being employed or working in any other institution as a teacher. This unique ID of teacher titled as 'Teacher Code' is only for the purposes of avoiding multiple employment by the teacher in multiple institutions at the same time. There is no qualification, eligibility or disqualification attached with this Teacher Code. For this fundamental reason, it is submitted by Mr. Gupta that 'decertification of Teacher Code' or 'decertifying any teacher person as a teacher' cannot be used as a punitive measure or ground or a circumstance by the CCIM in any eventuality. It is submitted that for taking any punitive measure or imposing any penalty or punishment on any person in consequence to any action or omission of a person concerned, the penalty/punishment should be specifically provided in the statute or the rules made thereunder. In the absence of such specific statutory prescription, no punishment can be imposed on any person in consequence of any alleged action or omission. He also stated that even Regulation 26 of Regulations of 1982 per se does not provide for any punishment or penal consequence for its non-compliance, much less the penal consequences of decertification/ debarment of teacher of any nature as has been done in the present case. To buttress this submission, Mr. Gupta has relied upon the following Apex Court judgments:

1. State Of Bihar and others v. Industrial Corporation (P) Ltd. and Ors.,(2003) 11 SCC 465;

2. *Bijaya Kumar Agarwal v. State of Orissa [(1996) 5 SCC 1];*

3. *Shree Bhagwati Steel Rolling Mills v. Commissioner of Central Excise and Anr., (2016) 3 SCC 643];*

4. *Principal, R.R. Educational Trust's College of Education and Research B.Ed College, Mumbai v. Registrar, University of Mumbai and Anr., 2014 (4) Mh.L.J.*

190. Further, Mr. Gupta stated that - 'Decertification of Teacher Code' on the grounds of registration in another State other than the one where they are employed clearly infringes and impinges upon fundamental rights under Article 19(1)(g) and Article 21 of the Constitution of India. Mr. Gupta stated that the impugned order has the chilling effect of denying them their unique and basic identity as a teacher, necessary for continuing their vocation and profession of teaching Ayurveda courses in the institution of their choice and liking and also further militates as well as violates the fundamental right by depriving them of their life and livelihood as without a 'Teacher Code', they cannot undertake the profession of their choice, viz. teaching of Ayurveda courses in the institution of their choice. He stated that though the impugned order does not specify the 'Decertification of Teacher Code' to be confined to a particular institution, but specified to be omnibus for a particular year even then it is violative of Article 19(1)(g) read with Article 21 of the Constitution of India for the reason that it is a restriction, an impediment, a restraint of its own kind on the absolute exercise of fundamental rights by any citizen of the country. It is also stated by him that the 'Decertification of Teacher Code' amounts to the prejudice to interest of a person and is also stigmatic in nature, for

the reason that it shall throughout be recorded in his professional fact file that he had been decertified by the CCIM. In other words, it is his submission that the impugned order, apart from the fact that it operates as a restriction, restraint on the unfettered exercise of the fundamental right, it would also cast a stigma on the reputation, standing or career of any person, thus affecting the fundamental right to have a clean reputation and unblemished career of any person, unless affected by reasons beyond his control.

191. Moreover, it is submitted by Mr. Gupta that Article 13(3)(a) clearly specifies that restriction on fundamental rights can only be by way of law.

192. Thus, according to Mr. Gupta, the punishment of 'Decertification of Teacher Code' has nowhere assumed the shape of 'law' as to be used as a sword to impair, violate or even impinge upon, for even a limited purpose on the absolute, unfettered exercise of fundamental right by any citizen of the country. In this regard, he has relied upon the following judgments:

1. ***State of Madhya Pradesh & Anr. v. Thakur Bharat Singh [1967 SCR (2) 454];***
2. ***Bijoe Emmanuel v. State of Kerala [(1986) 3 SCC 615];***
3. ***D. Bhuvan Mohan Patnaik & Ors. v. State of Andhra Pradesh & Ors. [1975 SCR (2) 24].***

193. Thus, Mr. Gupta stated that 'Decertification of a Teacher Code', amounts to denuding a person of his identity, which cardinally and intrinsically relates to exercise of his fundamental right to profession, i.e. the profession of teaching as a teacher. It

may disable him, handicap him and even prohibit him from undertaking the said profession, to whatever extent. It is like denying a person of his identity, his existence, his face value. Clearly, for doing so a 'law' is required to be made and enacted which the CCIM has not done in the present matter.

194. That apart, Mr. Gupta submitted that the impugned orders of the CCIM are in the teeth of principles of 'legitimate expectation', being arbitrary, excessively harsh and therefore liable to be quashed being violative of Article 14 of the Constitution of India. He stated that the principles of legitimate expectation are judicially evolved principles, which state that the actions of authority should always be predictable, fair and must give sufficient room for compliance to the subjects for whom they are meant for. It further requires that the decision cannot be taken in a knee-jerk manner against the settled statutory and the departmental practice so as to become impossible for being complied with and the citizens being punished without giving due and sufficient opportunity of compliance.

195. In furtherance, Mr. Gupta submitted that the principles of legitimate expectation are essential attributes of fairness, justness in the decision making process and that therefore, being common law principles, apply to every administrative action and decision making authority. Therefore, he stated that the petitioners having worked outside their State of registration and had never been subjected to any disqualification/ decertification on the said ground in the last 15 to 20 years; they having participated in the inspection proceedings of the previous years; their group photos captured at

the time of physical inspection in the preceding years; the tabular sheets containing their Teacher Code, complete history of employment, original place/ State of registration and other such professional details had all been transcribed in the previous years and being maintained duly with the CCIM, the impugned orders need to be quashed.

196. Without prejudice, it is submitted by Mr. Gupta that though Regulation 26 of Regulations of 1982 has not been referred to in the impugned order (and pleaded for the first time in the counter-affidavit), in all the preceding years never were they proceeded against for not intimating their actual status of employment to their Parent State; never required or intimated by the CCIM to intimate their place of practice to the Parent State, failing which they shall be decertified. Thus, principles of legitimate expectation clearly required that the CCIM ought to have given them a specific notice/ intimation to have shifted their place of registration to the current State of their employment or to have complied with the procedural requirement of Regulation 26 of the Regulations of 1982, failing which adverse action shall ensue. However, to the contrary, the CCIM behaved in an arbitrary fashion and passed the impugned orders in a knee-jerk manner only on the solitary ground that the petitioners are employed in the State outside their State of registration. This conduct of CCIM is unfair and has been effected without giving sufficient leg room or opportunity to the petitioners to fall in line as per its expectations, which thus militates their legitimate expectation of continuing to profess and practice their profession of teaching as per the settled practice the CCIM had

followed in last the 15 to 20 years. Moreover, it is stated by him that it was incumbent for the CCIM to have intimated all the teachers/ the petitioners at least on a notice of six months to have taken corrective measures as per its expectations of shifting of registration to the State of their employment or have complied with the rigours of Regulation 26 of the Regulations of 1982. However, to the contrary, CCIM itself had been conducting inspections, and granting annual approval to the colleges where the petitioners were employed as full time regular faculty members. It was only in this year, when the physical inspection wasn't conducted, in the Covid year, that for the first time CCIM acted arbitrarily and merely on the basis of registration rules of the State decided to debar/ decertify the petitioners. The action of CCIM therefore, clearly smacks of adhocism and impulsiveness.

197. In support of his submissions on legitimate expectation, Mr. Gupta has relied on the following judgments:

1. ***GNCT of Delhi vs. Naresh Kumar [(2010) 175 DLT 143],***
2. ***Ram Pravesh Singh vs. State of Bihar [(2006) 8 SCC 381],***
3. ***Navjyoti Coop. Group Housing Society vs. Union of India [(1992) 4 SCC 477].***

198. According to Mr. Gupta, the CCIM to the contrary initially passed the impugned order in the first round (i.e. November 2020) debarring them for 10 years and subsequently reduced the punishment for decertification for one year. Never had the CCIM been fair or reasonable to have intimated the petitioners of

following a particular Code of Conduct with a clear specific categorical statutory prescription of penal consequences accompanying it's non-compliance; never had it put them on show cause notice and thus it passed orders in breach of principles of legitimate expectation. On this ground, therefore deserves to be quashed by this Court.

199. Nevertheless, it is submitted by Mr. Gupta that many of the petitioners have already taken NOC from their parent States and applied for Registration with the State of Madhya Pradesh which is their place of employment and thus even Regulation 26 of Regulations of 1982 doesn't stand in their way. They cannot be subjected to penal action of decertification for something which was not told to them.

200. Mr. Gupta also submitted that the impugned order is cryptic and does not deal with the reply, evidence and documents referred to by the petitioners; and is vitiated for being a completely non speaking order being passed with a preconceived, predetermined state of mind. In this regard he submitted:

1. That the petitioners in response to the various notices issued to them had produced voluminous documents pertaining to employment as their full-time faculty/ Ayurveda teacher with a respondent institution before the CCIM. These included Form 16A slips, the documents pertaining to day-to-day routine activities like grocery bills, ATM transaction receipts, electricity bills, bank statements, etc. However, the CCIM never dealt with the explanation or

evidence and the documents produced by the petitioners to show that they are not 'On Paper Faculty' but regular full-time faculty. To the contrary, the CCIM passed the same orders for all, more than thousand odd teachers in a cyclostyle, mechanical manner. There is no individual discussion on merits of each and every teacher's case except the ground that the petitioners are registered in a State outside their place of employment. The impugned order never referred or adverted to Regulation 26 of Regulations of 1982, but the same has been pleaded for the first time in the counter-affidavit. Neither the CCIM in the first round (i.e. November 2020) nor in the second round (i.e. in January 2021) by GRA, CCIM the Regulation 26 was ever referred to as a ground for decertification of their Teacher Code.

2. That it was obligatory for the respondents to have asked the specific speaking order in the case qua each petitioner, considering the documents, reply and the evidence produced by them. There is absolutely no consideration, much less scant consideration of the material or the reply produced by the petitioners by the CCIM in their final impugned orders. The orders are copy paste identically worded orders passed in the case of all the teachers who have been so decertified and it shows non-application of mind and a paper formality, carried out in

vacuum with a predetermined state of mind simply to somehow punish the petitioners.

201. Thus, according to Mr. Gupta, the impugned orders are nothing but non-speaking orders, passed without due application of mind becomes arbitrary and is liable to be quashed in Judicial Review under Article 226 of Constitution, being violative of principles of natural justice.

202. Mr. Amit Khemka, learned counsel appearing for the petitioner in W.P.(C) 1339/2021 submitted that CCIM vide email dated July 29, 2020 asked the petitioner to show cause as to how he was simultaneously working as a Medical Practitioner at Plot Number 49, Flat Number 8, Shreesh Apartment, Mumbai Bangalore Highway, Warje , Pune – 411058, Shifla Foundation and as a teacher at Ishan Ayurvedic Medical College & Research Centre located at 1A/1, Knowledge Park-1, Greater Noida, Uttar Pradesh – 201310.

203. It is submitted by him that on July 30, 2020, the petitioner duly replied to the said email and inter alia, stated that he has no clinical establishment anywhere and has already applied for registration in the State Board and the Central Register of CCIM. Subsequent thereto, on August 26, 2020 the petitioner attended hearing conducted by CCIM, through Video Conferencing, and answered all queries of the Hearing Committee and satisfied them that he has no Medical Practice and is only working at the particular college.

204. Mr. Khemka submitted that when the order dated November 24, 2020 was passed without considering the explanations and documents of the petitioner, the petitioner immediately on November 25, 2020 filed a representation/ appeal against the said arbitrary, un-reasoned and illegal order dated November 24, 2020, again explaining that he has no clinical establishment and that he has been regularly working at the college. According to Mr. Khemka, to substantiate his claims, the petitioner also filed the following evidences / documents:-

- The property from the Petitioner is alleged to be running a Medical Establishment (Plot Number 49, Flat Number 8, Shreesh Apartment, Mumbai Bangalore Highway, Warje, Pune – 411058, Shifla Foundation) had already been sold vide registered sale deed dated 14.03.2015.
- Petitioner had already applied for registration with the Uttar Pradesh Board.
- Petitioner had already applied for registration with Central Register of CCIM.
- Photos of the petitioner during various activities/ functions conducted in the College.
- Articles published in newspapers of various activities/ functions conducted in the College.
- Bi-Annual Journal published by College of which petitioner is Editor – in – Chief.

- ITRs of the petitioner for the year 2020-21 & 2019-2020 showing income from salary and rent.
- Petitioner's physical presence/ working in College has been verified by the officers of CCIM themselves during their surprise visits/ inspection at the College for grant of yearly permission, in all previous years.

205. He also submitted that thereafter also the impugned order came to be passed without considering the explanations and evidences/ documents as produced by the petitioner.

206. Mr. Khemka has placed reliance on the Apex Court judgment in the case of ***Kothari Filaments & Anr vs Commissioner Of Customs (Port) Kolkata bearing Civil Appeal No. 7307 of 2008*** dated December 16, 2008, wherein it is *inter-alia* held that orders passed by statutory authorities are to be substantiated by reasons.

207. He also stated that CCIM has failed to produce any material/ evidence on record to substantiate that the petitioner was practicing at the said property Plot Number 49, Flat Number 8, Shreesh Apartment, Mumbai Bangalore Highway, Warje , Pune – 411058, Shifla Foundation and that the only evidence produced on record to substantiate its such false claim is the relevant extract of the State Register of Maharashtra, where the Petitioner was registered previously.

208. According to Mr. Khemka, even the perusal of the said State Register will show that all the details of 'Practice' are blank, including that of address of practice, clearly falsifying the claim of the Respondents.

209. It is submitted by Mr. Khemka that having no evidence to substantiate its claims, the respondents vide their counter affidavit have tried to support its illegal order by seeking to rely on Regulation 26 of the Regulations of 1982, which provides for giving a notice of change of address. In this regard, it is his submission that an order passed by a statutory body cannot be supplemented by fresh/ new reasons which do not form part of the order itself. To buttress his submission, reliance has been placed on the following judgments:

1. Hindustan Petroleum Corpn. Ltd v. Darius Shapur Chenai & Ors., (2005) 7 SCC 627;

2. Dipak Babaria & Anr. v. State of Gujarat & Ors. (2014) 3 SCC 502;

3. Insituform Pipeline Rehabilitation Private Limited v. NDMC, W.P.(C) 509/2021 decided on 15.02.2021(Delhi High Court).

210. Without prejudice, it is contended by Mr. Khemka, a reading of Regulation 26 of the Regulations of 1982 would show that, it does not provide for any consequence/ punishment in case of its non – compliance. Moreover, there exists no section, rule or regulation which provides that a non – compliance of Regulation 26 would lead to withdrawal and/ or non –certification of teacher code.

211. It is also submitted by him that the respondents were duly informed and were as such aware of the fact that the petitioner has been regularly working at the College in Noida, through the application of the petitioner for Registration in the U.P. State Board

and the Central Register of CCIM, well before the issuance of the show cause notice dated July 29, 2020.

212. On the plea of CCIM during oral arguments that mere application for registration does not suffice, the teacher seeking such registration, is bound as per rules to obtain a No Objection Certificate from the Transferor Board, it is submitted by Mr. Khemka that there exists no section, rule or regulation, which provides for any such procedure to be followed or obligation of such teacher. To substantiate the plea taken by CCIM, an example of procedure for such transfer in case of advocates from One State Council to another by its counsel, Mr. Khemka submitted that even in case of advocates, there is no such obligation on the Advocate seeking transfer to get the No Objection Certificate. In fact, it is for the Transferor State Council to send such No Objection Certificate directly to the Transferee State Council. Even if any such requirement existed, neither the Maharashtra State Board (Transferor Board) nor the UP State Board (Transferee State Board) ever asked or called upon the petitioner(s) to produce such No Objection Certificate.

213. Mr. Animesh Kumar, learned counsel appearing for the petitioners in W.P.(C) 1158/2021, W.P (C) 1155 of 2021, W.P (C) 1214 of 2021, W.P (C) 1215 of 2021 submitted that the main ground mentioned in the show-cause notice dated July, 29 2020 (**Annexure-P/11**) issued to the petitioners were with respect to the Clinical establishment at some place at Maharashtra and simultaneously working as a teacher in State of Madhya Pradesh. In the said show-cause notice the CCIM itself has accepted that the

petitioners had informed CCIM that the petitioner is working in the College at Madhya Pradesh through OTMS. It is submitted that this in a way is a partial compliance with Regulation 26 of Regulations of 1982. On that basis, it is submitted by him that the petitioners do not have any mala fide intention of hiding their place of teaching.

214. It is submitted by him that vide the email dated November 27, 2020 (**Annexure-P/13**), the petitioners' teacher code has been withdrawn for 10 years. In doing so, the respondent has relied on the State Register to check whether the petitioners are physically working at a particular college. By perusing the State Register the allegation is that since in the State Register the petitioner has mentioned their practicing address in Maharashtra, a presumption was drawn that petitioner is not actually present at College and declared petitioner as 'On Paper Teachers'. However, he submitted that in the show-cause notice dated July 29, 2020, the allegation was of having clinical establishment, which has now been subsequently changed. According to him, at the time of applying for the teacher's code, the petitioners had duly informed CCIM that he is working at the respective College, which now does not hold any value before the CCIM.

215. Mr. Kumar submitted that the petitioners have participated in the hearing and produced a number of documents confirming their physical presence at the College but the same have not been considered while passing the impugned order without assigning any justification to the same (**Annexure-P/15**). It is further submitted by him that the physical presence of a teacher at a College can only be ascertained by way of a physical inspection or by way of

material produced by them showing their physical presence. In this regard, a reference can be made to Regulation 3(1)(b) of Regulations of 2016.

216. Thus, he submitted that the presence of a teacher should not be disputed by the Respondent No. 1 on the ground of procedural non-compliance.

217. That apart, it is contended by Mr. Kumar that the petitioners are registered with the State of Maharashtra under the Maharashtra Medical Practitioners Act, and the relevant Rules i.e., Maharashtra Medical Practitioners (Registration) Rules, 1961, do not stipulate a requirement to provide practicing address at the time of Registration or at the time of renewal of registration. By relying upon the said Act and Rules, he has made the following submissions:

1. Section 17(8) of the Maharashtra Medical Practitioners Act, stipulates the particulars to be included in the State Register. The State Register only contains the residential address of the Petitioner and not the practicing address. Section 17(8) of the Maharashtra Medical Practitioners Act, reads as under:

“(8) The register shall include the following particulars, namely :—

(a) the full name and residential address of the registered practitioner;

(b) the date of his admission to the register maintained under this Act; and if he, be a person who was registered on the day immediately preceding the appointed day, in a register kept under any of the

Acts referred to in sub-section (4), the date of his admission to that register;

(c) the qualification specified in the Schedule possessed by him, if any, and the date on which he obtained the qualification and the authority which conferred or granted it; and

(d) such further particulars as may be prescribed by rules”

2. The Maharashtra Medical Practitioners (Registration) Rules, 1961 the address of the place of practice is not specified in the Register. Rule 3 of said Rules read as under:

3. Further particulars to be included in register [* * * * *].
– The register [* * * * *] to be prepared and maintained under the Act shall include the following further particulars, that is to say, -

(a) Registration [* * * *] number;*

(b) Nationally of the practitioner;

(c) if the practitioner is a married woman, her maiden name and surname;

(d) Date and the place of birth of the practitioner;

(e) in cases where a practitioner is registered under sub-section (4) of section 17, the register in which his name stood registered on the day immediately before the appointed day;

(f) in cases where a practitioner is registered under sub-section (5) of section 17, the clause of the said sub-section under which he has been registered;

(g) [* * * *]*

(h) date of renewal of registration [* * * *] of the practitioner;*

(i) if any disciplinary action is taken by the [Council] against the practitioner, the particulars of such action;

(j) if the name of the practitioner was removed from the register [* * * *] and subsequently reentered therein, the date on which the name was so re-entered.”*

3. Further, Section 17(3) of the Maharashtra Medical Practitioners Act, provides that “[e]very person who possesses any of the qualifications specified in the Schedule shall, at any time on an application made in the form prescribed by rules, to the Registrar and on payment of a fee of five hundred rupees be entitled to have his name entered in the register.” Such application for registration in the Maharashtra State Register has to be made in terms of the Forms provided in the Maharashtra Medical Practitioners (Registration) Rules, 1961. According to Rule 4(1), the application of registration under Section 17(3) of the Act has to be submitted under Form ‘A’ of the Rules. The Form ‘A’ does not mention the practicing address of the medical professional but only asks residential address. The Form ‘I’ and Form ‘K’ of the Rules that is applicable for the renewal of Registration also does not ask for the practicing address and only asks for permanent address.

4. The requirement of disclosing place of practice is specified for the application to be made under Section 17(5) which is not applicable to Petitioner.

218. Thus, according to Mr. Kumar, the basis on which the impugned order issued by the CCIM is on the presumption that the petitioners are practicing in State of Maharashtra on the pretext that the State Register shows the practicing address of the Petitioner, does not stand.

219. That apart, it is submitted by him that the mere non-compliance with Regulation 26 of Regulations of 1982 cannot disprove the physical presence of the teachers at College. The action of CCIM in not holding the physical inspection to certify the presence of the petitioners cannot be replaced by insistence of one document which is otherwise not mandatory and only directory in nature. In this regard, it is submitted by that CCIM has certified the teachers in previous physical inspections which were surprise inspections and that during these years CCIM did not put forth any such requirement of having registered with the State register of the respective State where petitioners are teaching under the Act or any other Regulation.

220. Further, it is contended by Mr. Kumar that even though the objective of this whole exercise adopted by CCIM is to curb the menace of 'On Paper Teachers', the same cannot be without following the due process of law. The show-cause notice has been issued to the petitioners to which replies have been submitted. However, none of the documents submitted in the reply by petitioners have been considered by the CCIM in the impugned order. CCIM ought to have given reasons for not considering the documents if at all they found them not to be genuine and should not have de-certified the teachers on one ground that CCIM do not

have time to scrutinize and hence, they had insisted only on one document which has never been asked from the petitioners previously.

221. Mr. Jasbir Malik, Adv. also made submissions for one petitioner, primarily adopted the submissions of the other counsels.

222. On the other hand, Ms. Archana Pathak Dave, learned counsel appearing for CCIM submitted that the Supreme Court in a catena of judgments have settled the legal proposition that the scope of judicial review is very narrow where the experts have come to a particular conclusion, unless there is a jurisdictional error and *ex facie* perversity or allegation of *malafide* alleged on the reports of the assessors/experts and that the courts have to show deference and consideration to the recommendation of an Expert Committee consisting of distinguished experts in the field. **[Ref: *Medical Council of India v. The Chairman, S.R Educational and Charitable Trust &Anr. Civil Appeal No. 10372 of 2018*; *Medical Council of India v. The Principal, KMCT Medical College, and Anr. (Civil Appeal No.8429 of 2018)*; *Basavaiahvs H.L. Ramesh &Ors (2010) 8 SCC 372*; *The University of Mysore and Anr. v. C.D. Govinda Rao and Anr.(1964) 4 SCR 575 : AIR 1965 SC 491*].**

223. On the jurisdictional competency of CCIM, Ms. Dave submitted as follows:

- a. The Central Council for Indian Medicine derives its powers from the CCIM Act. It was established in 1971 as an expert statutory body under the CCIM Act. Under the

regime of the CCIM Act, CCIM has to supplement the decision making of the Ministry of Ayush qua the approval or denial of recognition to an Institution of Indian Medicine. The Ayurveda colleges established under section 13A and existing under section 13C of the CCIM Act and their attached hospitals shall fulfill the requirements of minimum standard for infrastructure and teaching and training facilities referred to in the Regulations of 2016.

b. That under the Regulation 3(1)(f) of the Regulations of 2016, the CCIM has been entrusted with the responsibility to certify that the faculty of the applicant colleges seeking recognition is not working at any other place except the college where they are purported to be full time teachers. The said report is thereafter forwarded to the Union of India, who, after placing reliance upon the said report disposes the applications seeking permission to teach Ayurveda, Siddha, Unani and Siddha Courses. The Ministry of Ayush goes through the report of CCIM and after providing a hearing to the colleges in the event of any doubt/clarification, provides approval/denial to the colleges.

c. As the CCIM being the statutory expert body it has been entrusted with the duty to certify the faculties of the colleges by way of the Regulations of 2016, and hence, the decision of the CCIM in not certifying the petitioner teachers as regular teachers at their respective Institutions is

well within the jurisdiction conferred upon the CCIM by the legislature.

224. That apart, Ms. Dave submitted that number of complaints were being received by CCIM regarding on-paper teachers, who were purported to be teacher in an Institution but were working at different places. Therefore, acting upon such complaints, CCIM and the Ministry of Ayush ever since 2019 started to request the teachers and the colleges to desist from such practice. The Affidavits were also called from the concerned teachers regarding their place of working and residence. The petitioners and their respective ASU colleges were requested to replace such teaching faculty which were only present on paper and were physically absent. Attention of this Court was also drawn to the series of communications sent to ASU colleges and teachers attached along with the Written Submissions.

225. It is stated by Ms. Dave that it was put to the petitioners and their respective colleges that actions shall be taken against teachers and colleges indulging in such activities. CCIM being duty bound to certify as to the teacher is only teaching in institution where he/she is purported to be a teacher and is not working at any place else started the verification drive. The details provided by the alleged teachers to their respective States were taken to be the basis for adjudicating the status of the teachers as under the Regulation 26 of the Regulations of 1982, the said alleged teachers were under a statutory obligation to intimate change in their address, place of practice and type of practice to the respective State Board/Council.

226. According to her during the said verification it was found that the alleged teachers of the colleges were working/actively practicing at different places from the purported institution; as it was clearly evident from the entries in the State Register made by the alleged teachers of the institutions themselves. Teachers were served with various e-mails and were asked to submit reply within 7 days after receiving the email to provide factual information. On the basis of the detailed verification of the alleged teachers, when the teachers were found to be present on paper and physically absent, CCIM empowered under the Regulation 3(1)(f) of the Regulations of 2016 decided not to certify the said teachers as teaching faculty of the respective Colleges.

227. That apart, Ms. Dave submitted that there is no *ex-facie* perversity or *malafide* in passing of the impugned orders as the same have been passed well within the boundaries of the CCIM Act read with the Regulations published from time to time. Further, the petitioners have admittedly not alleged any malafide on part of the CCIM or its officials in non-certification of petitioners as regular faculty.

228. She also submitted that the plea of the petitioners that CCIM has not considered the documents provided by the petitioners and has erred in relying upon the State Registers for passing of the impugned orders, is belied as the power to certify or not to certify a faculty under Regulation 3(1)(f) of the Regulations of 2016 is a legislative power casted upon CCIM and hence it is not for the petitioner to decide as to which documents to be considered by the CCIM for certification of the teachers under Regulation 3(1)(f). The

Legislature having entrusted the same upon the CCIM being the expert body and the decision thereof cannot be faulted upon mere accepting the submissions of defaulting petitioners.

229. Ms. Dave further contended that the petitions are based upon disputed questions of facts by alleging that CCIM has not considered the documents submitted by the petitioners in support of their claim to be regular teachers at their respective colleges and has solely relied upon the State Registers maintained by the respective State Board/Council. In this regard, it is submitted by her that the said State Registers being public documents, can be relied upon as evidence in any enquiry/proceedings. It is submitted by her that the dispute created by the petitioners as reliance placed by the CCIM on the State register in the decision making cannot be adjudicated under the writ jurisdiction of this Court. Moreover, she submitted that the records/details maintained by the respective states in their State Registers with respect to practitioners of Indian Medicine are in fact prepared on the basis of the information provided by the practitioners themselves.

230. She also submitted that since the impugned orders have been passed by the CCIM after due adherence to the principles of natural justice i.e., after hearing the petitioners and that the said Orders were further subjected to scrutiny before the Grievance Redressal Committee, therefore, once the submissions of the petitioners have been considered by the two expert bodies, the finding of facts cannot be disputed by the petitioner before this Court in Writ Jurisdiction.

231. On the plea of the petitioners that the procedure and the adherence to the principles of natural justice have not been complied with while passing the impugned orders and therefore infringes the fundamental rights of the petitioners, it is submitted by Ms. Dave that the principles of natural justice do not supplant the law but supplements it. Moreover, the petitioners were provided with a show cause notice followed by a detailed hearing and it was only after adhering to the principles of natural justice, that the Impugned Orders were passed. **[Ref: Mukut Pathak & Ors. v. Union of Indian & Ors. (WP(C) No. 9088 of 2018).**

232. Further it is also submitted by her that unlike the present petitions, the Ministry of Corporate Affairs disqualified hundreds of Directors by way of publishing a list on their website and that no hearing was given to the said Directors nor detailed orders were passed pertaining to each of the Directors. The said list was upheld by this Court in Mukut Pathak (Supra)]. **[Also Ref: Union of India v. J.N. Sinha, (1970) 2 SCC 458].**

233. According to her, after the service of the show cause notice, the petitioners were provided with a hearing before the Committee constituted by the Board of Governors, CCIM. Initially the BOG as per the Order dated November 24, 2020 decided to withdraw the teacher's code for 10 years with immediate effect. However, the petitioners were yet again provided with an Opportunity to refer the respective orders of the BOG, CCIM to the Grievance Redressal Committee for reconsideration. Ms. Dave submitted that the Grievance Redressal Committee also after due deliberation upheld the finding that the petitioners could not be

considered as regular teachers, however, the Grievance Redressal Committee overturned the decision of the BOG to withdraw the teacher's code for 10 years and recommended non certification of the petitioners as faculties in the irrespective colleges for the Academic Year 2020-21. Therefore, the allegation of petitioners of non-adherence to the principles of natural justice and infringement of the fundamental rights of the petitioners is misplaced.

234. Ms. Dave has also taken a plea of non-joinder of parties as the petitioners have not made the State Boards/Council a party in these petitions and therefore, suffers from major lacuna.

235. That apart, she submitted that during the verification process enormous discrepancies were found in the documents provided by the petitioners. In fact, the petitioners provided number of miscellaneous documents such as grocery bills etc. but failed to bring forth any document of evidentiary value to substantiate their claim and it was for this reason that the CCIM decided to rely upon the State Register of the respective states wherein the Petitioners were enrolled as practitioners.

236. According to her the said State Registers are public documents and the respective State Boards are bound to maintain the same regularly as provided under the statutory scheme. Moreover, even the petitioners under Section 31 of the CCIM Act read with Regulation 26 of the Regulations of 1982 were duty bound to intimate their respective States the change of address of their residence or practice. The compliance of Regulation 26 of the Regulations of 1982 being a statutory duty, the deficient petitioners cannot fault the reliance upon the State Register and the failure of

the alleged teachers to honor the duty casted under Regulation 26 to intimate the change in place of practice and type of practice. In this regard, reliance is placed on the Apex Court judgment in ***Dhananjaya Reddy vs. State of Karnataka, AIR 2001 SC1512***, to contend that it is a well settled principle that when a Statute requires a particular thing to be done in a particular manner it should have been done in the same way and in no other way.

237. Further, it is submitted by her that the documents relied upon by the petitioners itself show that the petitioners on their own accord have submitted to the CCIM, their practicing address beyond the institution wherein the petitioners claim to be working. For the purpose of illustration, in W.P.(C) 2621/2021, it was shown that as per the **Annexure-P/1** which has been relied upon by the petitioner, the petitioner No. 1 namely, Maheshwar, himself submits that his practicing address is Devipur, Post Udepur via Premnagar, Dehradun, Uttarakhand. The **Annexure-P/1** is the application form for obtaining Central registration and was submitted on January 02, 2020 and yet the petitioner in his entire form has deliberately not disclosed that he is currently employed at Sanskriti University, as a full-time teacher and has closed his practice at Dehradun. As the same discrepancy can be noticed in the State Register of the said petitioner, the petitioner was issued a show cause notice to prove that how can he be practicing at Dehradun, Uttarakhand and simultaneously at the very same time claim to be a regular teacher in Sanskriti University, Mathura, Uttarakhand.

238. It is submitted by her that similarly the petitioner No. 4 in W.P.(C) 2621/2021 had also submitted in her application form for

obtaining Central Registration on November 30, 2019 claiming to be practicing at Bora Hospital situated in Pune, Maharashtra (mentioned as Practicing Address No. 1) whereas at the very same time mentioned her practicing address 2 to be Sanskriti University, Mathura, Uttar Pradesh. It is for this reason the said petitioner was asked to show cause as to how she was practicing at Bora Hospital, Pune as well as simultaneously teaching at Sanskriti University, Mathura, Uttar Pradesh. It is also submitted by her that the said Bora Hospital also has an online listing and contains contact details of the said petitioner. Similarly, all the petitioners have themselves refrained from informing the CCIM and the State Board that they are working at Sanskriti College, Mathura which very clearly shows the malafide on their own part.

239. It is Ms. Dave's contention that the petitioners have attached their respective Form 16 but had not provided their respective income tax returns. Moreover, the said Form 16 bear the address of the home town of the petitioners instead of the place where they claim to be teaching. It is stated by her that grave discrepancies could be seen in the documents supplied by the petitioners, for e.g., irregular payments to the petitioners, no withdrawal of the salary by the petitioners, the reluctance in changing of address by the petitioners on their material documents such as bank accounts, Form-16 etc. According to her, one such glaring discrepancy can be noted in the Account Statement filed by the petitioner No. 2 in W.P.(C) 2621/2021 as for the entire year, irregular/inconsistent credits/debits as can be seen in the bank statement provided.

240. That apart, Ms. Dave contended that the entries in the State Register mentions the practicing address which is different from what was provided by the teachers in the Online Teacher Management System (OTMS)/Affidavits or part 1 filled by the Colleges. Thus, there were two sets of details: One, coming from the states (provided by the teachers themselves) and the second, from the colleges and teachers as given in OTMS etc. and hence the information in the State Register as provided by the petitioners was taken as a common document and was relied upon over other documents submitted by the petitioners. The same was only after due hearing provided to the Petitioners wherein admittedly the Petitioners failed to contradict the entries in the State Board Registers.

241. It is also submitted by Ms. Dave that the petitioners have taken a plea that the requirement to comply with the Regulation 26 of Regulations of 1982 were neither put to them in the show cause notice nor in the impugned order(s). On the said plea, it is her submission that the show cause notices issued to the respective petitioner posed specific query based upon the information provided by the petitioners in their State Register with respect to the practicing address. In fact, she stated that the petitioners were specifically asked to explain as to how they claim to be a teacher in a particular college whereas simultaneously on the very same time they, as per the state register, were practicing at the clinical establishment at the home state.

242. It is also stated by Ms. Dave that the impugned order very clearly enunciated that the ASU graduates had to get themselves

registered with the State Council and were bound to update the details in the concerned State Register. Hence, it is the common document for the purpose of verification/certification of the concerned petitioners under Regulation 3(1)(f) of Regulations of 2016. The Regulation 26 of Regulations of 1982 is merely the provision under which the petitioners were duty bound to inform the change in practice/contact address to the respective state council/board. Hence, the impugned order not certifying the concerned petitioner was passed under Regulation 3(1)(f) of Regulations of 2016, relying upon the information provided by the petitioner in the concerned State Register and the requirement of compliance of the Regulation 26 of Regulations of 1982 was not required to be quoted in either the show cause notice or the impugned order.

243. Further, the petitioners took a plea that the compliance of Regulation 26 of Regulations of 1982 is not mandatory on the basis that the petitioners can teach as well as practice at the same time throughout the nation and hence are not required to intimate the State Board/Council. The said plea, according to Ms. Dave, is totally misplaced in the light of the fact that the use of the word ‘*shall*’ in the Regulation 26 of Regulations 1982 makes the compliance of the same a mandatory requirement. Moreover, if the Regulation 26 Regulations of 1982 is read with Section 31 of the CCIM Act, the petitioners are duty bound to intimate the change within period of 90 days. It is correct that the petitioners can practice throughout the country, yet it is mandatory upon the practitioners to intimate any change in their place/address of

practice to the respective state board. Moreover, it is submitted by her that the action taken against the petitioners is for the fact that the petitioners as per their state registers are practicing in one state and simultaneously are claiming to be full time teachers in another state e.g. petitioner No. 1 in (W.P.(C) 2621/2021) Maheshwar has a clinical establishment and practice in Dehradun, Uttarakhand whereas is simultaneously claiming to be a full-time teacher in college situated in Mathura, Uttar Pradesh.

244. That apart, it contended by Ms. Dave that the OTMS is a portal which is devised purely for the convenience of the teachers and colleges with regard to joining/resigning a particular college. It is password protected and the details therein is filled/edited by the teachers themselves. According to her the details/information filled in the OTMS cannot be said to be a substantive compliance of Regulation 26 of Regulations of 1982 as claimed by petitioner teachers. The Regulation 26 requires intimation not only to the Central Council but also to the respective State Boards. Moreover, the said OTMS is not available or accessible by the State Board.

245. On the plea of the petitioners that the State Boards under the CCIM Act are duty bound to forward the Register to the Central Council and hence, when a practitioner is registered with the State Board he automatically gets registered with the Central Council, it is submitted by Ms. Dave as the registration upon the Central Register is only after the satisfaction of the Registrar which is followed with issuance of the Registration Certificate and Number; and admittedly the petitioners in W.P.(C) 2621/2021 do not possess either of them.

246. The petitioners' presence and certification of the petitioners by CCIM as faculty of the respective institutions during previous academic year(s), also cannot be adopted by CCIM for the subsequent year as the verification and grant of permission is a yearly process and hence, the information available in the previous academic year more specifically teachers cannot be automatically counted in favour of the college or the petitioners.

247. On the plea taken by the petitioners in WP(C) No. 1158 of 2021 that the physical presence of the petitioners can only be ascertained byway of physical inspection and cannot be based upon documents it is submitted by Ms. Dave that in view of the outbreak of the Covid-19 Pandemic CCIM and the colleges decided not to carry out physical inspection in the year 2020. Moreover, the process of verification which was followed by the passing of the impugned orders started in the year 2019 and it was well within the knowledge of the petitioners and ASU Colleges that CCIM is acting upon the menace of 'On Paper Teachers' and hence, any order passed by the CCIM shall have the effect upon the certification of the teachers in the present Academic Year. The petitioners in WP(C) No.1158 of 2021 also took a stand that the petitioners therein are registered in Maharashtra and as per the Maharashtra Medical Practitioner Act and the Rules the petitioners are required to provide a practicing address. On this, it is contended by Ms. Dave that a petitioner in WP (C) No. 1158/2021 i.e., Satish Jaiswal during the verification by the State of Maharashtra in the year 2019 himself provided his practicing address as Shree Dhanvantri

Ayurvedic Clinic and Panchkarma Centre, Pune (**Annexure-R/3** in WP(C) No. 1158 of 2021).

248. That apart, it is the submission of Ms. Dave that the petitioners cannot claim parity with the faculties of the Government Institutions, in view of the Apex Court judgment in *SLP(C) No. 3073/2019* titled *Union of Indian v. National College of Ayurveda & Ors.*, wherein it is held that the private institutions cannot claim negative equality with the government institutions.

249. On the petitioners in W.P.(C) No. 2762 of 2021 annexing their respective registration certificate issued by the Uttar Pradesh Board (**Annexure P/5** therein), it is stated by Ms. Dave that the said certificates have been issued in the December 2020 and were never produced before the Board of Governor of the CCIM or the Grievance Redressal Committee and hence, neither the BOG nor the Grievance Redressal Committee had the opportunity to consider the said certificates.

250. It is submitted by Ms. Dave that the menace of 'On Paper Teachers' is not only detrimental to the future of the students but also to the public health at large [*Ref: Medical Council India v. State of Karnataka, (1998) 6 SCC 131*]. She seeks the dismissal of all the writ petitions.

251. Having heard the counsels for the parties, the broad submissions made by the counsels for the petitioners ('Counsel for petitioners', for short) are the following:

1. The initial order dated November 24, 2020 was withdrawn by the impugned e-mails / orders dated January

14, 2021 / January 15, 2021 which have been passed without issuing a show-cause notice and affording opportunity to the petitioners to file a reply thereto.

2. The Regulation 3 of the Regulations of 2016 does not contemplate the consequence that the individual faculty members will be denied certification, rather it contemplates that the college will be denied permission if respondent No.2 does not give certification in terms of 3(1)(f) of the Regulations of 2016.

3. There is not even a single provision in the CCIM Act to initiate any inquiry against the teachers of the Ayurveda Colleges or empowers CCIM to withdraw the certifications code for certain period of time.

4. Regulation 26 of Regulations of 1982 does not empower CCIM to undertake the whole process of inquiry of alleged 'On Paper Teachers' rather it only mandates that every person registered as a practitioner shall intimate the concerned State Board or Council with respect to change in type of practice or change of address or succeeding to another practice.

5. There is no reference to alleged non-compliance with Regulation 26 of Regulations of 1982 in the impugned orders dated January 14, 2021 and January 15, 2021 as the same is the basis for the said orders.

6. The only consequence for not notifying any change of address or practice to State Board or Council / Central Council is that the right to participate in the election of the

members to the Central Council or a Board shall be forfeited permanently or for such period as may be specified by an order of Central Government. (Ref: Section 31 of CCIM Act).

7. The stand of the respondent CCIM that the petitioners were required to be registered in the State where he is teaching is contrary to the office letter dated January 29, 2021 which dispenses with the requirement of State registration for the teachers who have obtained central registration as per the CCIM Act.

8. The CCIM has certified the teachers in previous inspection which was surprise inspection. During these years the CCIM did not put forth any requirement of having registered with the State Register of the respective State where petitioner is teaching under the Act or any other regulation.

9. The impugned orders are contrary to the statutory provisions of the CCIM Act and Regulations of 2016. That apart the CCIM has no disciplinary powers over the teachers.

10. The show-cause notices dated August 5, 2020 and October 1, 2020 did not disclose the penal consequence or the punishment which was proposed to be inflicted upon the petitioners. Therefore, the impugned orders dated January 14, 2021 or January 15, 2021 are illegal, void being violative of principles of natural justice.

11. The impugned orders have not discussed the documentary evidence produced by the petitioners nor gave its finding on the veracity or adequacy of such documentary evidence.

12. It is conclusively proved that the orders have been passed without consideration of material on record.

13. The impugned orders are *ex-facie* discriminatory as large number of identically situated Ayurvedic teachers have either been not touched or have been exonerated by the CCIM with identical facts and circumstances. Even the disqualification / de-certification of a teacher on the ground of him / her being registered in another State can only be created by way of a duly gazette regulation and not otherwise.

14. The impugned orders of the CCIM are in violation of the principles of legitimate expectation and therefore arbitrary excessively harsh and therefore liable to be quashed being violative of Article 14 of the Constitution of India.

15. The Maharashtra Medical Practitioner Act, and the Rules i.e., Maharashtra Medical Practitioner (Registration) Rules, 1961 does not stipulate a requirement to provide practicing address at the time of registration or at the time of renewal of registration. Form A thereof does not mention the practicing address of the medical professional but only asks residential address.

16. An order passed by a statutory body cannot be supplemented by fresh / new reasons which do not find part of the order itself.

252. The broad submissions by Ms. Dave on behalf of CCIM are as follows:

1. The scope of judicial review where the experts have come to a particular conclusion is very narrow only in the eventuality there is a jurisdictional error and ex-facie perversity or allegation of malafide.

2. As per the regulation 3(1)(f) of Regulations of 2016 the CCIM has been entrusted with the responsibility to certify that the faculty of the colleges seeking recognition is not working at any other place except the college where they are purported to be full time teachers. The impugned order clearly states that the teachers had to get themselves registered with State Board and are bound to update the details in the concerned State register. Hence, the impugned orders not certifying the teachers was passed under regulation 3(1)(f) of Regulations of 2016 relying upon the information provided by the petitioners in the concerned State register and the requirement of compliance of the Regulation 26 of Regulations of 1982 was not required to be quoted in either the show-cause notice or the impugned order. The word '*shall*' in Regulation 26 of Regulations of 1982 makes the compliance of the same a mandatory requirement.

3. The plea of the petitioners that updating the appointment in a college on the OTMS is compliance of Regulation 26 of Regulations of 1982 is not correct. It is a password protected and details therein are filled / edited by teachers themselves, whereas Regulation 26 requires intimation not only to the Central Council but also the respective State Boards. Moreover, the OTMS is not available nor accessible by the State Board.

4. The registration on the Central register is not automatic but on the satisfaction of the Registrar which is followed with issuance of Registration Certificate and a number and admittedly the petitioners who are claiming that they have applied for central registration do not possess the registration certificate and the number.

5. There is no *ex-facie* perversity or *malafide* in passing of the impugned orders. On the plea of the petitioners that CCIM has not considered the documents provided by the petitioners, the CCIM has been casted with the power to certify or to not certify a faculty under Regulation under 3(1)(f) and has rightly relied upon the State registers for passing of the impugned order.

6. The procedure and adherence to the principles of natural justice has been followed as since 2019 communications were sent to petitioners and similarly placed teachers and colleges to desist from the practice of 'On Paper Teachers'. Show-cause notice was issued and a Hearing Committee was constituted prior to passing of

order dated November 24, 2020. Thereafter, owing to grievances from teachers including petitioners a Grievance Redressal Committee was also duly constituted to consider and representations along with relevant documents prior to passing of the impugned orders.

7. These petitions are liable to be dismissed owing to presence of disputed facts as well as non-joinder of State Boards / Councils as a party.

8. The plea that their presence and certification by the CCIM as faculty of the respective institutions during previous academic years also cannot be adopted by CCIM for the subsequent year as verification and grant of permission is a yearly process and hence the information available in the previous academic year cannot be counted in favour of the college or the petitioners.

253. Having noted the broad submissions made by the counsels for the parties before I venture to deal with the same it is necessary to state and refer in brief the orders passed by CCIM. The respondent CCIM had initially passed order dated November 24, 2020 whereby it withdrew the teachers code and debarred the teachers for a period of 10 years. On reconsideration, the order dated November 24, 2020 was withdrawn with regard to all the teachers and fresh orders dated January 14, 2021 and January 15, 2021 have been passed whereby CCIM has decided not to certify the petitioners that they are not working elsewhere. So, it is seen that the earlier order dated November 24, 2020 having been

withdrawn, is not in existence. I must also state that some submissions have been made with regard to the said order. As the same is not in existence and the challenge in these petitions is to the orders dated January 14, 2021 and January 15, 2021, the legality of the said order need not be gone into, so also the plea that CCIM Act does not empower the CCIM to withdraw the certification code for a certain period.

254. Having said that in so far as the impugned orders dated January 14, 2021 and January 15, 2021 are concerned, to understand the purport of the same it is necessary to reproduce the contents of one order as under:

“Subject: - Regarding not to certify you under regulation 3(1)(f) of RMS, 2016 by CCIM.

Sir/Madam,

With reference to the subject mentioned above this is to bring into your notice that a number of complaints about "physically absent but present only on paper" teachers in various ASU (Ayurveda/Unani/Siddha) colleges have been received in the Council. This unethical act is hampering not only the quality of education of ASU(Ayurveda/Unani/Siddha) students but also public health at large and it is a major concern for the Council to ensure the actual presence of teachers in colleges and to enhance the quality of education standard in ASU(Ayurveda/Unani/Siddha) courses.

That, the revamped Online Teachers Management System (OTMS) was launched on 27 September 2019 by the CCIM. A password was given to you to manage your profile. As the password is with you, the responsibility to upload and maintain correct and true information in your profile also lies upon you.

As per record, you are a teacher since 04/Jan/2010. It is also mandatory for each teacher to submit a notarized affidavit every year stating that he/she is a regular teacher in a particular college.

It is also mandatory for ASU graduates to get themselves registered with the state council and such information is updated from time to time based on the information provided by you to the concerned state council.

To address this issue of "on paper teachers", a letter was issued to all the Teachers of ASU Colleges on 13.12.2019. The said matter was placed before Executive Committee of CCIM in its 292nd Meeting held on 27.12.2019. After detailed discussion, decision was taken by Executive committee to ensure the actual presence of teachers in colleges and for compliance of this decision, letters were sent to all Teachers of ASU Colleges on 27.12.2019 requesting them to refrain from becoming 'physically absent and present on paper teachers' and to not to indulge in such type of activities otherwise appropriate action may be taken on such defaulting teachers.

Further, Secretary, Ministry of AYUSH also wrote a D.O. letter dt 07.02.2020 to all Teachers & ASU Colleges and advised all Teachers to avoid such type of illegal, unethical & immoral activities. It was also asked that teachers should submit duly notarized affidavit regarding their place of working in the colleges and proof of residence and it was informed that if any teacher provides false or incorrect information and was found to be a teacher 'on paper only' and not physically present on regular basis in the concerned colleges, then necessary action shall be taken against such teachers.

Thereafter, Under Secretary Ministry of AYUSH wrote a letter vide O.M. dt 02.03.2020 to all colleges

for not indulging in activities like 'on paper' teaching etc. & identify such teachers who are only 'on paper' and physically not working in the college and replace them by appointing teachers who would follow the required guidelines and would physically engage in teaching in the concerned colleges. A follow up letter was also sent to all colleges regarding same subject by CCIM on dated 03.03.2020.

The submission date of visitation proforma part-I was extended by M/o AYUSH to facilitate the institute to remove such teachers and appointment of new ones. Certain relaxation was also given by Govt. of India M/o AYUSH in addition to relaxation given in existing 2016 RMS of CCIM vide O.M dated 02.03.2020 and 15.04.2020. It was expected from you to use this time to process your resignation from the college.

That as per regulation 3(1)(f) of 2016 RMS of the CCIM, it is a duty of central council to certify that teaching faculty present in the college is not working at any other place. For the verification of this information it was decided in the 2nd meeting of Board of Governors of CCIM held on 14.05.2020 and continued on 22.05.2020 to use the State Register sent by State Registration council/board containing the details of registered practitioners of respective State. That during scrutiny, it was found that you have mentioned your practicing address in state register. It indicates that you are practicing in one state and simultaneously posing yourself to work as a teacher in another state. For this irregularity, a notice was served upon you by CCIM through E-mail and you were asked to submit reply within 7 days after receiving the e-mail to provide factual information. Further reminder was also sent to those Teachers who have not replied to the earlier E-mail.

Thereafter by following the principles of natural justice, a personal hearing was given by the hearing committee headed by the members of Board of Governors (BOG) appointed by Chairperson, BOG CCIM through Video conferencing, to those teachers who had sent the reply of above said E-mail. Further, after detailed discussion on the issue, BoG in its 10th meeting held on 19.10.2020 upheld the decision of hearing committee and BOG also decided that teachers who were absent in hearing/did not reply and whose emails failed to be delivered due to deliberate wrong submission by them will also be barred for teaching and their teacher's code will be withdrawn. Hence in view of above hearing committee/BOG observed that you do not work as regular teacher on following reasons:-

1. That the Careful examination of the information provided by you indicates that your presence at the concerned college for the purposes of teaching activities is not proved.

2. As per the record it is clear that you are practicing at your home town which is far away from your college.

3.The record therefore makes it clear that the purpose of your joining the college/ institute was only to show or pose yourself to be a teacher engaged in teaching activities at the said college whereas you were otherwise working or practicing at some other place. This activity is not only unethical but illegal and against the whole purpose of regulatory regime of CCIM.

4. It is found that you have worked against the system of teaching of Indian Medicine and contrary to the legal provisions for the same.

5. It is found that your illegal act not only affects the future of the students and quality of education but also opens door for fraud committed with the

education system by yourself and in collusion with the concerned college / institute. Such activities, in the opinion of the hearing committee calls for both disciplinary and criminal action against all the involved persons / entities.

Further, after detailed discussion on the issue, BoG in its 10th meeting held on 19.10.2020 upheld the decision of hearing committee to not consider you as a regular teacher and your teacher code was withdrawn.

Thereafter in response of Council's notice of withdrawal of Teacher's code, Council received various representations from the teachers. Therefore, Council vide letter dated 04.12.2020 informed all teachers through Email whose Teacher Code was withdrawn that Board of Governors, CCIM decided to constitute a Grievance Redressal Committee to examine the representations from the teachers and requested teachers to send their representations alongwith relevant documents to substantiate their claim as a regular teacher upto 07.12.2020 on grievance@ccimindia.org only.

Thereafter, representation received from you was placed before the Grievance Redressal Committee for its examination & after going through the entire documents submitted by you, the Grievance Redressal Committee has come to a conclusion that the requirement of under regulation 3(1)(f) of RMS, 2016 is not fulfilled by you. The Regulation 3(1)(f) of the RMS, 2016 reads as under:

“The Central Council shall certify that teaching faculty present in the college is not working at any other place”

Thus, after detailed discussion on the issue and in suppression of the previous letter dated 24.11.2020 vide which the decision to withdraw the teacher's code was taken, BoG in its 19th meeting held on

14.01.2021 decided that in terms regulation 3(1)(f) of CCIM RMS no.28-15/2016-which empowers “Central Council to certify that teaching faculty present in the college is not working at any other place” the Council hereby decide to not certify you for the reasons stated above for the year 2020-21.

Further the previous letter dt 24.11.2020 by which your teacher code was withdrawn for 10 years is stated to be Cancelled.

The decision taken by the committee is upheld and approved by the BoG and it is observed that apart from the decision of not certifying under Regulation 3(1)(f) of RMS, 2016, further appropriate action under law will be initiated which includes registration of a criminal case against all such persons who are engaged in such illegal and fraudulent activities.

This is an electronically generated email, hence does not require signature.”

255. It is the submission of the Counsel for petitioners that Regulations 3(1)(f) of Regulation 2016 could not have been invoked given the overall scheme of Regulation 3 of Regulations of 2016, which contemplate that it is the college / institution which shall be denied the permission to run an Ayurvedic College and not an action against the teacher, as has been taken in these cases, is not appealing. A perusal of Regulation 3(1)(f) of the Regulations of 2016 as reproduced in Para 7 above being part of Regulation 3 which deals with the *Requirements of Minimum Standards to grant permission* to an Ayurvedic College, such a permission can be granted only if the College fulfils the requirement for the faculty(s) under the norms. But if the faculty / teacher is not in place, the

same would result in CCIM denying the certification that the faculty / teacher is not working at any other place, which otherwise is contemplated under Regulation 3 (1)(f) of the Regulations of 2016. Such a certificate is in relation to the concerned faculty / teacher, though the non-certification of a teaching faculty may have the effect on a particular college not meeting the requirement of the faculty under the norms resulting in the denial of the permission as per the Regulations of 2016. Thus, Regulation 3 of Regulations of 2016, shall have a twin effect, i.e., non-certification of the faculty / teacher and also the denial of permission to a particular college to function. It is a matter of record that the impugned orders passed by the CCIM dated January 14, 2021 and January 15, 2021 have resulted in many colleges, not getting the permission to conduct the course and in fact such colleges have also approached this Court challenging the denial of permission to them for conducting the course.

256. The submission of the Counsel for petitioners that the Regulation 26 of Regulations of 1982 does not empower CCIM to undertake the whole process of enquiry of alleged '*On Paper Teachers*', but only mandates that every practitioner of Indian Medicine shall intimate the concerned State Board or Central Council about change in type of practice and address is concerned, it is true that the Regulation 26 of Regulations of 1982 provide the practitioner to inform the change in type of practice and address, but the fact is the impugned action is not an action under Regulation 26. There is no reference to Regulation 26 in the impugned orders. The respondent CCIM has justified the impugned

orders as the petitioners having registered in one State have not informed the change in type of their practice and change of address to the State Board where they are registered, which address(es) are different from what has been provided by the teachers in the OTMS/Affidavits of Part I filled by the colleges. Thus, there were two sets of details, one coming from the States (provided by the teachers themselves) and the second from the colleges and teachers as given in OTMS etc. and the information in the State Register as provided by the petitioners was taken as common document and was relied upon over other documents submitted by the petitioners while taking the action. That is, the CCIM has relied upon the information submitted by a teacher in the state register to, not to certify that he / she is not working at any other place, which action is not under Regulation 26. Suffice to state the impugned action stems out from Regulation 3(1)(f) of the Regulations of 2016 and not under Regulation 26 of Regulation of 1982 and CCIM while certifying under Regulation 3(1)(f) is within its right to carry out enquiry as it is only through that process it can find, whether a faculty / practitioner/petitioner is engaged or not engaged at any other place. Hence, the related argument of the Counsel for petitioners that no consequence has been stipulated for non-compliance of Regulation 26 is inconsequential and a non-issue. The plea of the Counsel for petitioners that the consequences have to be prescribed in the Act or Regulation(s) or by way of a notification would also be inconsequential, as such an issue does not arise for consideration in facts. The reliance placed by the Counsels on the judgments in the case of ***Dhananjay Reddy***

(supra), *Kuldeep Singh (supra)*, *Shri Bhagwati Steel Rolling Mills (supra)*, *Gorkha Security Service (supra)*, *State of Bihar and Ors. (supra)*, *Bijaya Kumar Agarwala (supra)* and *State of Madhya Pradesh and Ors. (supra)*, shall have also no applicability, as the issue for which they have relied upon them does not arise for consideration.

257. The submission of the Counsel for petitioners that the impugned order stipulate that the State registration is mandatory and the petitioners are required to register with the concerned State Council / Board where he is teaching is contrary to its own office letter dated January 29, 2021, which dispenses with the requirement of State registration for the teachers who have obtained Central Registration as per CCIM Act in terms of provisions of Sections 23, 24, 25 and 29 is also not appealing. The letter or the provisions referred to above, only contemplate that the names of all persons enrolled in the State register shall be entered in the Central register, and they can practice in any part of the country, but that submission does not answer the issue, how can a person practice and teach at two different places / States at the same time. The particulars of the person / faculty / petitioner shall be the same in the Central register as depicted in the State register, as he / she has not intimated the change in type of practice and address to the State Board / Council. So, the registration in the Central register shall not be of any help to the petitioners as it shall not have any bearing / effect, the basis of the impugned orders that the petitioners, though practicing at one place but were teaching at other distant places. In fact, it is the stand of the CCIM that the registration in the Central Register is not

automatic but on the satisfaction of the Registrar which is followed by the issuance of Registration certificate and a specific number. The petitioners who are claiming that they have applied for central registration, however, do not possess the Registration Certificate nor the number. The plea of the Counsel for petitioners that, the scope of Regulation 3(1)(f) of Regulation of 2016, is to see that a teacher is not employed at two different colleges and not claimed by more than one college, and not that teacher is also doing practice as a Doctor is not appealing. Such an interpretation shall defeat the very purpose of the Regulation to check the menace of '*On Paper Teachers*'. The word '*working*' has to be given a purposive interpretation to mean not only working as a teacher at any other place but he / she is also not gainfully engaged including practicing Indian medicine (***Ref:-Government of NCT of Delhi v. Union of India, (2018) 8 SCC 501***). Though, I may state here, he / she can teach and practice at the same place, provided the same is permissible under the terms of appointment as a teacher.

258. The plea of the Counsel for petitioners that Regulation 26 of Regulations of 1982 has nothing to do with Regulation 3(1)(f) of Regulations of 2016 is not appealing though there is no Reference to 26 at all in the impugned order nor it is an action for violating Regulation 26, the information / particulars given by a practitioner of medicine to the concerned State Board or Council and the Central Council, can be relied upon by the CCIM, to certify that the faculty is not working at any other place. It is not a new case set up by CCIM in their counter-affidavit. In fact, the impugned orders

itself states so. The reliance placed on *Mohinder Singh Gill (supra)* by the Counsel for petitioners is misplaced.

259. The plea of the Counsel for petitioners, that the impugned orders are discriminatory as large number of identically situated Ayurvedic teachers have either been not touched or have been exonerated with identical facts and circumstances is unmerited as the same shall not help the case of the petitioners. They have not stated as to how those cases are identical. Even if some benefit has been given wrongly, it cannot be a reason to bestow the same benefit to the petitioners. There cannot be a negative equality. (*Ref. State of Bihar and Ors. v. Kameshwar Prasad Singh and Ors., (2000) 9 SCC 94*)

260. The plea of the Counsel for petitioners that the CCIM having certified the teachers in the previous inspection(s) and during these years the CCIM having not put forth the requirement of a registration in the State register of the respective State where the petitioners are teaching cannot deny the certification is concerned, the plea is unmerited. Merely because in the past the CCIM has certified the teachers, that they are not working at any other place would not preclude CCIM on the basis of facts / evidence available to come to a conclusion that in fact a teacher is working / gainfully engaged at a different place, and thereby, not certify that the teacher is not working at any other place. Ms. Dave is also right to contend that verification and grant of permission is a yearly process in terms of Regulation 3(1)(a) of Regulations of 2016 and hence the information available in the previous academic year cannot be counted in favour of the college or the petitioners.

261. The plea of the Counsel for petitioners that CCIM does not have the disciplinary powers to take action against the petitioners who are teachers governed by the CCIM Act, is also unmerited. The impugned action is not a disciplinary action but a decision which emanates Regulation 3(1)(f) of Regulations of 2016 which the CCIM is empowered to take and which power has not been challenged by the petitioners.

262. I may also state that it is not the case of any of the petitioners that they have informed the change of type of practice and change of address to the registering Board. Though, in some petitions it is represented that they have applied for registration with the respective State Board(s) where they are teaching and the Central Council, which are still pending approval. My attention has not been drawn to any specific provision under the CCIM Act or the Regulations framed thereunder that mandates, on the change in type of practice and address to a different State, a practitioner / petitioner is required to get himself registered with that State Board / Council. The only requirement under the Regulations of 1982 framed under the CCIM Act is Regulation 26 which has already been referred to above. If any of the petitioners have applied for registration in a State where they are teaching the same can be a requirement under the Local Act like in the case of Maharashtra where a practitioner has to be registered under the Maharashtra Medical Practitioners Act, however it must be said that the requirement under Regulation 26 of Regulation of 1982 is a separate and independent requirement which governs the practitioners of Indian medicine which need to be complied with, that too when it is a statutory requirement. The

argument of the Counsel for petitioners that in the preceding years never were the petitioners proceeded against for not intimating the actual state of employment to the parent state; never required or intimated by CCIM to intimate their place of practice to the parent state, failing which they shall be de-certified is also not appealing. The petitioners were required to follow the mandate of Regulation 26 of Regulations of 1982 and intimate the change of type of practice and address to the state board, to be in conformity with the address / place of the college where he / she is teaching. Not informing the same and teaching in a different state shall surely suggest that he / she is practicing or working at a different place from the purported institution / college. A related plea that the principles of legitimate expectation clearly required that the CCIM ought to have given the petitioners a specific notice / intimation to shift their place of registration to the current state of employment or to comply with the procedural requirement of Regulation 26 failing which adverse action shall ensue, is liable to be rejected for two reasons. Firstly, it was the submission of Ms. Dave that CCIM / Ministry of Ayush, ever since 2019, were requesting the teachers and the colleges to desist from the practice of 'On Paper Teachers'. They were also informed that action shall be taken against teachers / colleges indulging in such activities. So, it is not a case where the petitioners were not warned about an action. Secondly, when Regulation 26 of Regulations of 1982 mandates that change in type of practice or address shall be informed, it was required to be followed and for which no separate notice is required to be issued. Even otherwise, the adverse action, as stated above is not an action

for not following Regulation 26 but one emanating from Regulation 3(1)(f) of Regulations of 2016.

263. The plea of the Counsel for petitioners that the impugned order is violative of Article 19(1)(g) and 21 of the Constitution of India is also without any merit. The action being in accordance with Regulation 3(1)(f) of Regulations of 2016, it cannot be said that the same violates those provisions of the Constitution.

264. One plea of the Counsel for petitioners though looks appealing on a first blush, but on a deeper consideration is liable to be rejected is that the non-certification of a teacher is confined to a particular institution but specified omnibus for a particular year. I may state that even though Regulation 3(1)(f) of Regulations of 2016 does not stipulate certification of a teacher for a particular year, Regulation 3(1)(a) deals with minimum standards to be maintained by the college *upto the 31st December of every year for consideration of grant of permissions for undertaking admissions in the coming academic session*. It is in view of this stipulation a reference has been made to the academic year 2020-21 in the impugned orders. I am also unable to agree with the submission of the counsel, that, the order under Regulation 3(1)(f) cannot be passed without reference to permission sought by the college and inspection of the college pursuant to the same, being misconceived. No doubt, no physical inspection was carried out because of COVID-19, but the process undertaken was for permission to the colleges to undertake the course, which was denied to the colleges based on the impugned orders of non-certification.

265. It was the common plea of all the Counsels for petitioners that passing of the impugned orders dated January 14, 2021 and January 15, 2021 resulted in the violation of principles of natural justice thereby infringing the fundamental rights of the petitioners. According to them, the petitioners were asked to furnish at least 7 out of 12 particulars sought for vide the said communication and that the said particulars were not considered by CCIM neither in the order dated November 24, 2020 nor the impugned orders dated January 14, 2021 and January 15, 2021. According to them, the impugned orders are not reasoned orders, but perverse, cryptic as they do not deal with respective replies and evidence / documents relied upon by the petitioners including affidavits in compliance with the directions of the CCIM vide letter dated July 14, 2020. That apart, they have stated that the show-cause notices received prior to the passing of the impugned orders both before the passing of the order dated November 24, 2020 and on January 14 and January 15, 2021 never contained any caveat that the petitioners shall be subjected to any kind of adverse or punitive action of either withdrawal of teacher code or the non-certification that he is not employed at any other place. It is also their case that the complaints on the basis of which action was taken against the petitioners have not been given to the petitioners to enable them to consider the allegations, evidence if any, sought to be relied upon, and answer the same.

266. On the other hand, Ms. Dave had countered the submission by stating that, the CCIM has complied with the principles of natural justice inasmuch as pursuant to the complaints received that,

teachers are working elsewhere, the CCIM and the Ministry, since 2019 started to request the teachers and the colleges to desist from such practice. The affidavits were also called for from the petitioners regarding their place of working and residence. The colleges were requested to replace such teaching faculty which were only present on paper and were physically absent. The petitioners and the teachers were also told that the action shall be taken against them. She stated that during verification it was found that the alleged teachers of the colleges were working / actually practicing at different places from the purported institutions. The teachers were served with various e-mails and were asked to submit reply. On the basis of the detailed verification, the teachers having been found to be present on papers and physically absent, CCIM decided to not to certify them as teaching faculty. She stated that CCIM has constituted Grievance Redressal Committee which had also scrutinized the decision where hearing was also given.

267. There is no dispute that the respondent had issued show-cause notices to the petitioners before passing the order dated November 24, 2020, but thereafter on reconsideration of the whole issue, the respondent decided to constitute Grievance Redressal Committee. The Grievance Redressal Committee had given the petitioner the hearing, wherein the petitioner had relied upon various materials in their favour. It is thereafter that the impugned orders have been passed. To that extent the principles of natural justice have been complied with. But the plea of the Counsel for petitioner is primarily two-fold, that they were not given the show-cause notice with regard to the decision taken by the CCIM on non-

certification and also that the impugned orders do not refer to the evidence / material / documents which they have produced, to show that they were working in the college concerned.

268. The Counsel for petitioners had relied upon the Judgments in the case of *Kothari Filaments (supra)* and *S.N. Mukherjee (supra)* wherein it is held that a person charged with misdeclaration is entitled to a proper hearing which would include documents on which reliance is placed. The Counsel for petitioners had also relied upon the Judgment of the Supreme Court in *Vasavi Engineering College (supra)* wherein it is held that orders passed without consideration of relevant materials / factors are liable to be quashed. The Counsel in support of their plea that no show-cause notice was issued with regard to the impugned action of non-certification was never issued had relied upon the Judgments in the case of *VetIndia Pharmaceuticals Ltd. (supra)* and *Gorkha Security Services (supra)*.

269. It may be true that separate show-cause notices were not issued to the petitioners notifying the impugned action, but it cannot be said that no hearing was given to them. The hearing was given to them by the Grievance Redressal Committee wherein the petitioners have participated and relied upon, materials / documents in support of their stand that they were actually working in the college. Ms. Dave has on the basis of difference in the particulars of the petitioners available in the State Board / Council / Central Council and the OTMS / affidavits submitted by the petitioners, justified the impugned action. The plea of the Counsel for petitioners was also that non-compliance of Regulation 26, cannot disprove the physical

presence of the teachers at the college. In other words, that their particulars in the State Board / Council / Central Council depict the place of practice and residential address of their home state / state of registration, but they are physically employed in the college in a different state. The impugned orders passed do not reveal that the material produced by the petitioners has been considered. Even if considered, the material is not referred to. This I say so, it is the case of one of the petitioners that the address mentioned as practicing address in the registration particulars is of the property sold to a third party long back, but has been taken against the said petitioner for holding that he is practicing at that place. The reflection of the materials / documents relied upon by the petitioners would have revealed the basis / reasons for the CCIM to support its impugned action. It would have enabled the petitioners also to know the reasoning of the action of the respondents. The law in this regard is well settled that an authority discharging its functions under a statute / regulation must pass a reasoned order which would reveal the consideration of the relevant material in support of the said order. Though, Ms. Dave has placed reliance on the judgment of this Court and Supreme Court in the case of ***Mukta Pathak and Ors. (supra) and Union of India v. J.N. Sinha (supra)*** they have no applicability in the facts of this case. The petitioners being in dark as to for what reasons, the material relied upon by them has been discarded, the impugned orders need to be set aside. It is ordered accordingly. The matters are remanded back to the respondent No.2 / CCIM with a direction that they should pass fresh order(s) by considering all the material available with them

including the material submitted by the individual petitioner and pass a reasoned order with a period of 12 weeks from today. It is made clear that the *status quo* as prevailing today with regard to each of the petitioners shall continue. It goes without saying if the petitioners are aggrieved by the orders to be passed by the respondents / CCIM, they are at liberty to seek such remedy as available in law.

270. With the above, the writ petitions are disposed of. No costs.

CM Nos. 2140/2021 & 9482/2021 in W.P.(C) 837/2021

CM No. 3275/2021 in W.P.(C) 1158/2021

CM No. 3452/2021 in W.P.(C) 1226/2021

CM No. 3539/2021 in W.P.(C) 1271/2021

CM No. 3759/2021 in W.P.(C) 1339/2021

CM No. 7768/2021 in W.P.(C) 2621/2021

CM No. 8311/2021 in W.P.(C) 2762/2021

CM No. 3272/2021 in W.P.(C) 1155/2021

CM No. 3393/2021 in W.P.(C) 1214/2021

CM No. 3396/2021 in W.P.(C) 1215/2021

CM No. 3796/2021 in W.P.(C) 1352/2021

CM No. 3884/2021 in W.P.(C) 1373/2021

CM No. 5366/2021 in W.P.(C) 1855/2021

CM No. 5400/2021 in W.P.(C) 1870/2021

CM No. 5472/2021 in W.P.(C) 1881/2021

CM No. 6873/2021 in W.P.(C) 2351/2021

CM No. 12680/2021 in W.P.(C) 4167/2021

CM No. 12860/2021 in W.P.(C) 4234/2021

CM No. 12970/2021 in W.P.(C) 4263/2021

CM No. 13802/2021 in W.P.(C) 4518/2021

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 26, 2021/jg