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WMP.No.26507 of 2022
in W.P.No.4413 of 2021

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R.SURESH KUMAR, J.

In the main writ petition, the rejection of approval, sought for by the petitioner for the academic year 2018-2019, was made by the first respondent i.e., Ministry of Ayush, Government of India.

2. The reason for such rejection according to the Government is, that they had jointly conducted inspection with CCIM and based on such inspection there has been certain deficiencies found. Therefore, based on such deficiencies that rejection order was passed.

3. However Mr.V.Selvaraj for Mr.D.Jayasingh, learned counsel appearing for the petitioner would point out that, the inspection was conducted on 23.12.2019 and for one week including 23.12.2019, the college was closed because of the directive given by the State Government due to election work and therefore, on a holiday, sudden inspection said to have been taken place, because of which, they could not have access with the various Departments of the Institution



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concerned, therefore the inspection is not a full fledged one, based on which, the rejection could not have been made.

4. It is also to be noted that, for the academic years 2017-2018, 2019-2020 and 2021-2022 approval has been granted by the Ministry of Ayush to the petitioner institution i.e., prior academic year and post academic year of academic year 2018-2019, which is in question now. Therefore, there has been every possibility of drawing an inference that the deficiencies if at all found some time for the academic year 2017-2018 or 2018-2019 could have been fulfilled by the petitioner Institute, without which, the approval for 2019-2020 and 2021-2022 could not have been given by the Central Government.

5. In the meanwhile, by virtue of the orders, of-course interim orders passed by this Court, the students in question, who are admitted in the said academic year have completed first and second as well as the third year and they have successfully written their examinations, however, the third year examination results is yet to be published by the respondent University.



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6. In this regard, learned Standing Counsel appearing for the respondent University would submit that, it is the tussle between the petitioner Institution and the Department of Ayush and the petitioner Institution since has been granted approval for earlier academic year and the subsequent years also and by virtue of the orders passed by this Court, the students also have been permitted to write the examination, hence it is for the Court to take a decision as to whether the results have to be published for the students, so that, enabling them to write the forthcoming supplementary examination, which is slated to be conducted from 17.10.2022.

7. Mr.S.Muthusamy, learned Additional Central Government Standing Counsel appearing for the first and second respondents want some time to file counter.

8. Mr.K.Vellayaraj, learned Standing Counsel appearing for the CCIM submitted that inspection had been conducted jointly along with the Department of Ayush, based on which, the order impugned has been passed.



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9. Having considered the said submissions made by the learned counsel appearing for the parties, especially, when the learned Standing Counsel appearing for the first and second respondents want some time to file counter and the petitioner institution has been subsequently and prior to the concerned academic year also was given approval by the very same Ministry of Ayush and by virtue of the earlier orders passed by this Court, the students have completed the three years course and written the third year examination and the University has not made any specific objection with regard to publishing the results and that would be made only pursuant to the order to be passed by this Court, I am inclined to grant the following interim order:

That there shall be an interim order to the respondent University to publish the results of the petitioners made in the prayer i.e., 14 students for 2018-2019 batch, who appeared for the BAMS Degree Course examination held in June, 2022 enabling them to write the supplementary examination, which would be commenced from 17.10.2022 and also permit one Srikanth S.V. to appear for the first and second year examinations in the failed subjects immediately



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if there is any arrears for these students, for which the fees was if not so far collected that also shall be collected by the respondent University immediately and hall ticket shall also be issued to them.

With these directions, this miscellaneous petition is ordered.

12.10.2022

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Note: Issue order copy today



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12.10.2022