

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No. 19964 of 2019 (O&M)

Date of decision:- 16.08.2022

Saint Sahara Ayurvedic Medical College and Hospital, Mansa Road, Kot
Shamir, Bathinda

.....Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present:- Mr. Vivek Aggarwal, Advocate, for the petitioner.
Mr. Anil Chawla, Sr. Panel Counsel for respondent No.1-UOI.
Ms. Sidhi Bansal, Advocate for
Mr. R.Kartikeya, Advocate, for respondent No.2.
Mr. Avneet Avasthi, Assistant Advocate General, Punjab.

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

The petitioner, which is an unaided self financed Ayurvedic
College in Bathinda, has filed this petition with the following reliefs:-

- i) For issuance of a writ of certiorari for quashing of the
impugned order dated 06.07.2019 (Annexure P-7) passed by
respondent No.1 whereby respondent No.1 has denied the
permission to the petitioner-college for taking admission in 60
seats of BAMS course for the academic session 2019-20;
- ii) Petitioner college may kindly be permitted to admit 60 students
in BAMS course for session 2019-20 provisionally during the
pendency of the present writ petition since counseling for

admission in BAMS course for session 2019-20 is already in progress;

From a perusal of the impugned order dated 06.07.2019 passed by the respondent-authorities, it is evident that the respondent-authorities on finding several deficiencies with regard to necessary infrastructure, teaching and non-teaching staff as well as training facilities in the petitioner college, which are required to be provided by the educational institutions in accordance with the minimum standard and as specified by the regulations framed by the Indian Medicine Central Council (Requirements of Minimum Standard for under-Graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016, have passed an order directing the petitioner-college to fulfill all the shortcomings till 31.12.2019 and thereafter approach the Central Council of Indian Medicine (CCIM), which has now been renamed as 'National Commission for Indian System of Medicine' to carry out inspection of the petitioner college for consideration of the matter for grant of permission for taking admissions in UG (BAMS) course from the academic year 2020-21.

The petitioner college instead of doing so filed a petition and obtained an interim order from this Court on 23.07.2019 whereby the petitioner-college was allowed to proceed with the provisional admission for the session 2019-20. The said situation and the interim order are continuing till today. However, from a perusal of the petition, it is evident that the impugned order passed by the respondent-authorities relates to the academic session 2019-20 and the question as to whether the petitioner-college would be permitted to take up further admissions in the succeeding academic sessions is required to be decided by the respondent-authorities after the

petitioner college removed all the short comings and got an inspection from the inspecting body.

Evidently, what has happened since then, nothing has been placed before this Court by either of the parties except for stating that subsequently the petitioner college has been granted permission to take up further admissions for the sessions 2020-21 and 2021-22 by relaxing some conditions.

Learned counsel appearing for the respondent-Union of India as well as National Commission for Indian System of Medicine submit that the said relaxations have been given in view of the interim order passed by this Court. In view of the aforesaid facts and circumstances and keeping in mind the fact that the minimum standard prescribed by the regulations has to be fulfilled by all the institutions, on a prayer being made by learned counsel for the petitioner college, the present petition is disposed of with a direction that the petitioner-college shall move an application before the concerned inspecting authority seeking fresh inspection of the college as it is stated that all the deficiencies/shortcomings have been removed. The inspecting authority shall thereafter conduct a fresh inspection and proceed with the matter in accordance with law as well as the mandate prescribed therein. It is made clear that this process would be initiated by the petitioner college within a week and the authority i.e. National Commission for Indian System of Medicine shall take up further steps for inspecting the petitioner college and thereafter pass necessary orders in accordance with law expeditiously and for that purpose the interim order passed by this Court shall continue to remain in operation for a period of three months.

It is made clear that this Court has not expressed any opinion on the merits of the case and therefore, the respondent-authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter pass a fresh order in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.08.2022
ravinder

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No