

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15716-2023 (O&M)
Date of decision:- 25.07.2023

Seth Murari Lal Rasiwasia Ayurvedic College & Hospital and
another.

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

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

Present: Mr. Rajiv Atma Ram, Senior Advocate,
with Mr. Arjun Partap Atma Ram, Advocate,
for the petitioners.

Mr. Arun Gosain, Senior Government Counsel,
with Ms. Swati Arora, Advocate,
for respondent No. 1 – UOI.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Mr. Jagbir Singh, Advocate,
for respondent No. 7.

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RAVI SHANKER JHA, C.J. (ORAL)

The petitioners have filed this writ petition seeking a writ of certiorari for quashing the impugned order dated 15.06.2023 (Annexure P-6).

Learned senior counsel, appearing for the petitioners, submits that petitioner No. 1 is an ayurvedic college, whereas petitioner No. 2 is a Trust that is running petitioner No. 1. By the impugned order dated 15.06.2023, the respondent-authorities have prohibited the petitioners from making any new admissions in any Degree/Diploma Ayush courses until further orders. He points out that the said order has been passed in exercise of powers under clause 18 of the Haryana Government notification dated 09.05.2023 notifying the policy for issuance of Letter of Intent and No Objection Certificate to Ayush colleges. He further points out that it is an admitted and undisputed fact that the respondent-authorities while proceeding further in the matter and passing the impugned order have not complied with the proviso to clause 18 of the policy, inasmuch as no notice or opportunity of hearing was given to petitioner No. 2 – The Dadri Education Trust, Charkhi Dadri which is running petitioner No. 1 - college. Nor was any notice issued to petitioner No. 1 – college. It is stated that the notice dated 17.04.2023 (Annexure P-4) has been issued to the Principal of petitioner No. 1 – college and the order has been

passed on the basis of a report submitted by the Sub Divisional Magistrate, Badhra, rather than the opinion of technical experts. He further points out that while the No Objection Certificate to run petitioner No. 1 – college had been issued by the authorities in the name of petitioner No. 2 - The Dadri Education Trust, Charkhi Dadri, the proceedings have been taken up by the authorities without any notice or opportunity of hearing to petitioner No. 2 and in such circumstances, the proceedings and the impugned order deserve to be quashed.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, on instructions from the Director General, Ayush, submits that in the circumstances the respondent-authorities are withdrawing the impugned order dated 15.06.2023 (Annexure P-6) with due endorsement to all the authorities concerned including the Union of India and would issue fresh notices to the society concerned, petitioner No. 2 as well as petitioner No. 1 and thereafter proceed with the matter afresh and pass a detailed and reasoned order after giving due opportunity of hearing to the parties concerned in terms of the proviso to clause 18 of the policy. He further submits that the respondent-authorities would examine the matter with an open mind and take into consideration all the documents etc. that are produced by the petitioners as it is alleged that petitioner No. 1 - college has in fact been running since 2002 after having obtained all the necessary and due permissions.

In view of the aforesaid statement made by learned State counsel to the effect that they would proceed afresh in the matter after giving due notice and opportunity of hearing to all concerned, the respondent-authorities are permitted to withdraw the impugned order dated 15.06.2023 (Annexure P-6).

The writ petition, accordingly, stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.07.2023
Amodh Sharma

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