

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

106

Civil Writ Petition No.27911 of 2023

Date of decision :-15.12.2023

Bhai Kanhaiya Sewa Society

.....Petitioner

Versus

Union of India and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gaurav Datta, Advocate with
Ms. Srishti S. Sharma, Advocate
for the petitioner.

Ms. Swati Arora, Sr. Government Counsel
for respondent No.1-UOI.

Mr. R. Kartikeya, Advocate
for respondent No.2.

RITU BAHRI ACJ. (Oral)

Prayer in this writ petition is for issuance of an appropriate writ, order or direction specially in the nature of certiorari quashing the impugned order/letter dated 28.11.2023 (Annexure P-2) passed by the respondent No.2, vide which the petitioner has been directed to remit the amount of rupees one crore by way of a Demand Draft or Online Payment payable to "The National Commission Fund for Indian System of Medicine" in place of Fixed Security Deposit for a period of five years to establish new Ayurvedic Medical College with 48 seats (instead of 60 seats) in UG (BAMS) course from the academic Session 2023-24, under Section 29 of NCISM Act, 2020

and sub Regulation 6 (1) (1) (1) of "Establishment of New Medical College, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity by a Medical College Regulations, 2019.

Notice of motion.

On asking of the Court, Ms. Swati Arora, Sr. Govt. Counsel accepts notice on behalf of respondent No. 1-UOI and Mr. R. Kartikeya, Advocate accepts notice on behalf of respondent No.2-National Commission for Indian System of Medicine, Ministry of Ayush.

Learned counsel for respondent No.2 refers to the Notification (Annexure P-3), whereby guidelines have been laid down to make an application for setting up a new institution. Learned counsel further refers to Clause 6(1) (at page 26 of the paper-book) which states that a person shall be eligible for making an application if he is in a position to furnish fixed security deposit, valid for a period of five years, in favour of the Central Council of Indian Medicine, New Delhi for establishment of medical college upto 60 seats of rupees one crore and between 61 to 100 seats rupees two crores.

Learned counsel for the petitioner submits that he is ready to comply with this condition Clause 6(i) of the Notification (Annexure P-3) and give the FDR for a period of five years to respondent No.2, within four days.

On doing so by learned counsel for the petitioner, respondent No.2 is directed to take appropriate action on the same in accordance with law.

In view of the aforesaid, the present petition is disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

December 15, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No