



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 13187 OF 2024

JAMIA ISLAMIA ISHAATUL ULLOMS OMAR HOMEOPATHIC MEDICAL
COLLEGE AND RESEARCH CENTRE

VERSUS

THE UNION OF INDIA THROUGH THE SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Yogesh B. Bolkar

DSGI for Respondents No.1 to 3 and 5 : Mr. A. G. Talhar

AGP for Respondent No.4 : Mr. S. K. Tambe

Advocate for Respondent No.6 : Mr. K. A. Shinde holding for
Mr. M. D. Narwadkar

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**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 04-12-2024

PER COURT:-

1. Heard the learned counsel for petitioner, the learned D.S.G.I. for respondents No.1 to 3 and 5, the learned A.G.P. for respondent No.4 and the learned counsel for respondent No.6.

2. The petitioner has applied for approval to the admission of the students for BHMS course for academic year 2024-2025. The respondents/authorities without giving opportunities of being heard and to remove the deficiencies, have rejected the claim of the petitioner. Both appellate authorities also did not give hearing and decided the appeal in its absence. Hence, the petitioner has been deprived of participating in the admission process of the students for BHMS course for the year 2024-25.

3. The learned D.S.G.I. has strongly opposed the petition. He submits that the petitioner was not diligent for getting the matter decided. The inspection was correctly done. Now the admission process has progressed. If the relief is granted to the petitioner, that will disturb the admission schedule for BHMS course. There is no provision for giving hearing to the petitioner in second appeal. Hence, no interference is called for.

4. Perused the papers.

5. *Prima facie* it appears that the respondents authorities did not give an opportunity to the petitioner to remove the deficiencies. The appellate authorities also did not give it an opportunity of hearing. *Prima facie* the principle of natural justice has been violated. The petitioner should not suffer for the wrong of the respondents. Hence, we allow this writ petition and quash and set aside the impugned orders.

6. Respondent No.3 has already observed in the order that there were deficiencies. The petitioner should submit the compliance report or explanation to the deficiencies, the respondent No.3 observed, by appearing before respondent No.3/Board on 06.12.2024.

7. For the purpose of appropriate decision, the matter is relegated to respondent No.3 Board for taking objective scrutiny of the proposal as well as compliance report or explanation tendered by the petitioner.

8. Considering the exigencies that Centralized Admission Process is underway, we direct respondent No.3 to complete the exercise and should decide the claim of the petitioner within a week after 06.12.2024.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE

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