

RAMESHWAR
LAXMAN
DILWALE

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12833 OF 2024

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DILWALE
Date: 2024.09.10
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Shree Chhatrapati Shivaji Education
Society, Dharwad & Anr.

.. Petitioners

Vs.

National Commission for Indian
System of Medicine & Ors.

.. Respondents

...
Mr. Rajendra Pai, Senior Advocate with Mr. Akshay Pai i/by Ms.
Siddhi Bhosale, Advocates for the petitioners.

Mr. S. R. Ganbavale, Advocate for the respondent no.1.

Mrs. R. A. Salunkhe, AGP for the respondent-State.

...
**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 9th SEPTEMBER, 2024.

P.C. :

1. The challenge in this writ petition is to the communication dated 04/09/2024 issued by the first respondent-National Commission for Indian System of Medicine by which the Medical Assessment and Rating Board for Indian System of Medicine has refused to grant conditional permission to the petitioner no.2-College for intake capacity of 50 seats in the under-graduate (BAMS) Course 2024-2025 under Section 28 of the National Commission for Indian System of Medicine Act, 2020.

2. Inter alia, it is submitted that Regulation 3(3)(a) of the Indian

Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016 would be applicable while the MARB as considered Regulation 3(1)(a) while refusing conditional permission. The petitioners were seeking conditional permission for one year while the MARB considered that request under an inapplicable provision. In addition, irrelevant material in the form of land documents has been considered for denying such conditional permission. The petitioners were not given notice of this material.

3. Issue notice to the respondents, returnable on 23/09/2024. Mr. S. R. Ganbavale, learned counsel waives notice for the respondent no.1. The learned Assistant Government Pleader waives notice for the respondent no.2. Service be effected on respondent nos.3 and 4.

4. Prima facie, considering the fact that conditional permission for one year was sought under Regulation 3(3) coupled with the fact that the undertaking as was required to be filed pursuant to the E-mail dated 03/09/2024 which was duly submitted at 7.15 p.m. that day, there shall be ad-interim relief in terms of prayer clause (f) which would be subject to further orders. The students seeking admission shall be duly informed of the pendency of the

present proceedings by the petitioners. It is also made clear that the petitioners shall not claim any equity on the basis of this ad-interim direction.

6. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]