

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12344 OF 2018

ALONG WITH

INTERIM APPLICATION NO.15503 OF 2024

- | | | |
|--|---|------------------|
| 1. Konkan Education Society, Khandala, |] | |
| Alibag, Dist. Raigad |] | |
| 2. The Chief Executive Officer, |] | .. Petitioners / |
| Konkan Education Society, Alibag, Raigad |] | Applicants |

Versus

- | | | |
|---|---|----------------|
| 1. Union of India, |] | |
| Through its Secretary, |] | |
| Ministry of Health and Family Welfare |] | |
| 2. The Central Council of Homoeopathy, |] | |
| Through its Secretary, |] | |
| Ministry of Health and Family Welfare |] | |
| 3. Maharashtra University of Health Services, |] | |
| Nashik – through its Registrar |] | |
| 4. The State of Maharashtra, |] | |
| Through the Office of Government Pleader |] | |
| 5. The Competent Authority, |] | |
| Through its Chairman, |] | |
| Pravesh Niyanttran Samiti, Bandra, Mumbai |] | .. Respondents |

Mr. R.D. Soni with Mr. V.R. Kasle, Advocates, i/by Ram & Co., for the
Petitioner-Applicant.

Mr. Rui Rodrigues with Ms. Carina Xavier, Advocates for Respondent
No.1.

Ms. Purnima Awasthi, Advocate for Respondent No.2.

Mr. A.I. Patel, Additional Government Pleader with Ms. Kavita N. Solunke,
Assistant Government Pleader for the Respondent-State of Maharashtra.

Mr. Sameer Khedekar, Advocate for Respondent No.5.

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

DATE : 11TH DECEMBER 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The petitioner no.1 is running a Homoeopathy Medical College and Hospital pursuant to the No Objection Certificate granted by the State Government on 16th September 1988. The respondent no.3-Maharashtra University of Health Sciences has granted affiliation to the aforesaid College. On 25th June 2018, an inspection was carried out by the inspection team of the respondent no.2 – the Central Council of Homoeopathy and a report indicating deficiencies found was served on the petitioners. Notice was issued to the petitioners on 8th August 2018 and after considering the say of the petitioners, permission to admit students in the First Year B.H.M.S. Course came to be refused on 4th September 2018. This order refusing permission issued by the respondent no.1 – Ministry of Health and Family Welfare, through its Secretary, is under challenge.

3. By an interim order dated 12th November 2018, after considering the fact that the deficiencies found during the course of inspection had been removed, interim relief in terms of prayer clause (c) was granted. As a result, the impugned communication dated 4th September 2018 was stayed and the petitioners were permitted to admit students in the academic session 2018-19 in the First Year B.H.M.S. Course.

4. We have heard the learned counsel for the parties and we have perused the documents on record. Undisputedly, in each academic year the requisite permission has been granted by the respondent no.1. These permissions are dated 12th June 2019, 6th November 2020, 12th October 2021, 1st November 2022 and 25th July 2023. For the current academic year 2024-25, such permission is granted on 19th June 2024. It is thus evident that in each academic year necessary permission has been granted and the Maharashtra University of Health Sciences has extended its affiliation. The deficiencies indicated in the academic year 2018-19 having been removed, nothing further survives for adjudication.

5. Following the judgment of the Co-ordinate Bench in Civil Writ Petition No.13769 of 2016 (*Shri Neminath Jain Brahmacharya Ashram (Jain Gurukul), Neminagar, Chandwad & Anr. Vs. Union of India, through Ministry of Health and Family Welfare & Ors.*), it is held that the

deficiencies indicated in the communication dated 4th September 2018 are deemed to have removed. This would however not preclude the respondents from undertaking any fresh inspection in accordance with law.

6. Rule is made absolute in the aforesaid terms with no order as to costs. Interim Application No.15503 of 2024 is also disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]