



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

CWP-32258-2024

Date of decision : 29.11.2024

Bhai Kanhaiya Sewa Society, Abohar and anotherPetitioners
Versus

Union of India and othersRespondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manuj Nagrath, Advocate, for the petitioners.

Ms. Shreyansi Verma, Senior Panel Counsel, UOI,
(through video conferencing).

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner Institute is before this Court in second round of litigation, after exhausting the earlier one in the shape of CWP No. 29247 of 2024, which was disposed of on the very first date of hearing, i.e. 25.10.2024, by passing the following order :-

“Learned counsel for the petitioner is heard on the question of admission.

2. *It is not denied that against the impugned order dated 18.10.2024 (Annexure P-6) of the National Commission for Indian System of Medicine, Ministry of Ayush, Government of India, permitting the petitioner institute to admit 46 students against the desired 60 seats capacity in UG (BAMS) course for the academic session 2024-25, the second appeal is pending before respondent No.1 – Union of India which was filed on 21.10.2024 (Annexure P-7).*

3. *In view of the above, this Court declines to interfere on-merits and relegates the petitioner to pursue the*



second appeal pending before the Union of India which in turn is directed to decide as expeditiously as possible preferably within a period of 15 days from the date of receipt of a copy of this order.”

2. It is not disputed at the Bar by learned counsel for the petitioners that the same prayer, as made herein, for increase in the in-take capacity from 46 to 60 in UG (BAMS) course for the academic session 2024-25, was made in the earlier petition.

3. A bare perusal of the order dated 25.10.2024 (Annexure P-13) reveals that this Court had declined to interfere on merits and relegated the petitioner Institute to avail the remedy of second appeal, which was pending at that point of time before respondent No.1 – Union of India.

4. It is contended by learned counsel for the petitioners that the second appeal continues to be pending with the Union of India and since the last stray round of counselling is to be conducted till 01.12.2024, interim relief as granted in another writ petition (CWP-26684-2024) vide order dated 18.10.2024 (Annexure P-15) be granted in favour of the petitioners.

5. This Court is of the considered view that since in the earlier writ petition (CWP No. 29247 of 2024) filed by the petitioner Institute, this Court had declined to interfere on merits, any further indulgence in the shape of adjudication of the same subject matter would not be in the fitness of things.

6. So far as the interim order dated 18.10.2024 passed in CWP-26684-2024 is concerned, which is informed to be still pending and is listed for 05.12.2024, the said interim order does not bind this Court as it has no precedential value.



7. The Apex Court, time and again, has laid down that the High Courts, while exercising writ jurisdiction under Article 226 of the Constitution of India, should avoid passing of interim orders allowing provisional admission of students in professional courses. [Please see **Medical Council of India Vs. N.C. Medical College and Hospital, (2019) 17 Supreme Court Cases 655**].

8. Moreover, the Apex Court has also laid down that the veracity and genuineness of the nature of deficiencies pointed out by the competent authority do not require any judicial interference, as the Courts are not competent to delve upon the said subject. [Please see **Medical Council of India Vs. Kalinga Institute of Medical Sciences (KIMS) and others, 2016 (11) SCC 530**].

9. In view of the above, this Court declines interference and relegates the petitioner Society to avail whatever remedy is available to it under law.

10. Accordingly, the petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

November 29, 2024
narotam

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