

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11653 OF 2025

1. Gulabrao Homeopathic Medical College]
2. Mahalaxmi Homeopathic Medical College]
- and Research Centre] ... Petitioners

Versus

1. Union Of India, Ministry of AYUSH & Ors.] ... Respondents

WITH

INTERIM APPLICATION NO. 11081 OF 2025

IN

WRIT PETITION NO. 10099 OF 2024

- Late Mrs. Housabai Homeopathic Medical]
College and Hospital] ... Applicant

Versus

1. Union Of India, Ministry Of Ayush & Ors.] ... Respondents

Mr. Suryajeet Prithviraj Chavan for the Petitioner in Writ Petition No. 11653 of 2025 and for the Applicant in I.A. No.11081 of 2025.

Mr. Siddheshwar B. Kalel, A.G.P. for the Respondent-State.

Mr. Rui Rodrigues (Through V.C.) i/b. Mr. Vijay Killedar for the Respondent No.1.

Ms. Purnima Awasthi for the Respondent No.2.

Mr. Abhijit Desai a/w. Mr. Abhijit Adagule for the Respondent.

Mr. Sachindra B. Shetye (Through V.C.) a/w. Mr. Akshay Pansare & Mr. Prithvi Bendke for the Respondent No.3.

Mr. Nagesh Chavan for the Respondent No.5-CET.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 16th October 2025.

ORDER (Per : Sharmila U. Deshmukh, J.)

- 1.** The Petitioners in Writ Petition No. 11653 of 2025 seek a direction to the Respondent-Authorities to grant permission to the Petitioners-Colleges to admit students for the academic year 2025-2026 (for undergraduate and postgraduate courses), for the BHMS Course.
- 2.** In so far as Interim Application No. 11081 of 2025 is concerned, similar relief is sought to include the name of the Applicant-College in the Centralized Admission Process.
- 3.** The Petitioners in Writ Petition No. 11653 of 2025 have also filed substantive Writ Petition No. 8725 of 2024, which was directed to be transferred to the Principal Seat at Mumbai by order of 10th October 2025.
- 4.** The Petitioners in Writ Petition No. 11653 of 2025 and the Applicant in Interim Application No. 11081 of 2025 are Homeopathic Medical Colleges.
- 5.** The imposition of penalty by the Ministry of AYUSH for the purpose of regularizing the admission of students for the year 2019-2020, who did not have the NEET eligibility and direction in reduction of the

seats led to the filing of Writ Petition No. 8725 of 2024. The matter was taken up to the Hon'ble Apex Court. The order of 17th September 2024 of the Hon'ble Apex Court records that in view of the communication dated 9th September 2024 addressed by the Medical Assessment and Rating Board for Homeopathy (*for short, "M.A.R.B.H.*), based on the directions dated 6th September 2024 issued by the Ministry of AYUSH informing that the decision has been taken to consider conditionally the matter of permission for academic year 2024-2025 and the issue of imposed monetary penalty be decided subsequently, subject to the final verdict of the Court and also the issue of reduction in seats shall be modified for the subsequent academic year, in the light of the verdict of the Court. Writ Petition No. 8725 of 2024 is pending for adjudication.

6. By the present Writ Petition No. 11653 of 2025 as well as the Interim Application No. 11081 of 2025, which has been moved in Writ Petition No. 10099 of 2024 wherein the subject matter of the Petition is identical in respect of imposition of penalty and reduction in seats, the Petitioners and the Applicant now seek permission to admit students for the academic year 2025-2026.

7. Mr. Chavan, learned counsel appearing for the Petitioners and the Applicant submits that on 1st March 2025, the Petitioner No.1 and on 6th March 2025, the Petitioner No.2 had paid the inspection fees pursuant to

which the inspection was carried out by M.A.R.B.H. and by communication dated 16th April 2025 to the Petitioner No.1 and in respect of the Petitioner No.2 by communication dated 3rd July 2025, the deficiencies which were observed in the Petitioners and Applicant – Colleges were noted. He would further submit that subsequently the deficiencies were complied with and a communication to that effect was addressed by the Petitioner No.1 to the M.A.R.B.H. on 21st April 2025 and in so far as the Petitioner No.2 is concerned on 6th July 2025.

8. He would further submit that similar exercise was carried out in respect of the Applicant in Interim Application No. 11081 of 2025 and the deficiencies were listed by communication of 10th September 2024. He submits that though the deficiencies have been complied with by the Petitioners and the Applicant, no decision has been taken by the Respondents as regards the permission to be granted for the academic year 2025-2026. He submits that the issue of penalty and reduction in seats can be adjudicated upon the final hearing of the Petition. However, as there is compliance of deficiencies, the Petitioners and the Applicant should be permitted to be included in the list of colleges for the upcoming CAP round.

9. Per contra, learned counsel appearing for the Respondent No.2 submits that the order of the Hon'ble Apex Court was passed in view of

the decision which was taken by the Ministry of AYUSH, that the imposition of monetary penalty and the issue of reduction of the seats shall be decided during the final hearing of the Petition and conditional permission was granted for 2024-2025. It is submitted that the Petitioners and the Applicant were negligent in ensuring that the Petitions are adjudicated well in time. There is also opposition on the ground that the earlier permission was by reason of the decision, which was taken by the Ministry of AYUSH and in the present case, as the Petitioners and the Applicant have failed to pay the penalty imposed, they cannot be permitted to admit students for the present academic year.

10. The issue as regards the imposition of penalty and the reduction of the seats are the subject matter of Writ Petition No. 8725 of 2024 and Writ Petition No. 10099 of 2024. In the present case, pursuant to inspection which was carried out by M.A.R.B.H. of the Petitioners and Applicant-colleges, there were certain deficiencies noted, which according to the Petitioners and the Applicant have been duly complied with. There is no decision taken by the M.A.R.B.H. on the compliances claimed by the Petitioners and the Applicant as regard the deficiencies. Though, the communication was addressed in April 2025 and July 2025 in so far as Petitioner No.1 and 2 are concerned respectively, there was no further adjudication on the aspect of permission to be granted to the

Petitioners and the Applicant. The issue as regards the imposition of penalty and the reduction in seats will have to be adjudicated finally in the pending Writ Petitions and presently what is sought by the Petitioners and the Applicant is permission to admit the students for the academic year 2025-2026. For the academic year 2024-2025 the Ministry of AYUSH had taken a decision to consider the matter of permission conditionally, subject to the final verdict of the Court in the Writ Petition. Though the Petitioners and the Applicant seek the larger relief of direction to permit the Petitioners and the Applicant to admit the students for the academic year, in our considered view, unless M.A.R.B.H. finds compliance with the deficiencies which were noted pursuant to the inspection carried out by them, the Petitioners and the Applicant cannot be permitted to admit the students.

11. As there is no decision taken by M.A.R.B.H., it would be appropriate to direct M.A.R.B.H. to ascertain whether the deficiencies have been duly complied with within a period of one week from today.

12. In event, the deficiencies have been complied with and there is no impediment for granting permission for inclusion of the Petitioners and the Applicant's name in the CAP round, necessary application be forwarded to the Respondent No.3-Maharashtra University of Health Sciences, who shall then forward the same to the Respondent No.5-the

State Common Entrance Test Cell, expeditiously.

13. We were not inclined to grant the substantial relief in the absence of the satisfaction of the concerned Authorities.

14. Writ Petition No.11653 of 2025 and Interim Application No. 11081 of 2025 in Writ Petition No. 10099 of 2024 are therefore disposed of in the above terms.

15. In the event of any difficulty, liberty to apply during vacation.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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