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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3551 OF 2025**

Bapusaheb Deshmukh Seva Pratishthan Through
Chairman Mr. Santosh A. DehsmukhPetitioner

V/s

The Union Of India
Through Ministry Of Ayush Government Of India,
New Delhi and Ors.Respondents

Mr. Prathamesh Bhargude a/w. Mr. Sumit Sonare & Mr Aditya Raktade,
Advocates for Petitioner.

Mr. Rui Rodrigues a/w. Mr Aniruddha A. Garge for Respondent No 1-
UOI.

Mr. Shrikrishna R. Ganbavale a/w. Mr. Shantanu, Advocates for
Respondent No. 2- NCISM.

Mr. P.G. Sawant, Assistant Government Pleader, Advocate for
Respondent No.4.

**CORAM: A.S. CHANDURKAR &
M.M. SATHAYE, JJ.**

DATE : 21ST APRIL 2025

P.C. :

1. The Petitioner is aggrieved by the communication dated 22.02.2025 issued by the Medical Assessment and Rating Board for Indian System of Medicine to the Petitioner stating therein that the Petitioner's application for setting up a new Ayurveda Medical College in the academic year 2025-26 could not be considered for the reason that the last date for submission of an application to establish a new Ayurveda Medical College, under Section 29 of the National Commission for Indian System of Medicine Act, 2020 (for short, "Act of 2020") for the academic year 2025-26 was 31.08.2024. As the

Petitioner's application was received on 28.01.2025, the same could not be considered for the academic year 2025-26.

2. We have heard the learned counsel for the parties and perused the documents on record.

3. Notwithstanding the availability of an alternate remedy of filing an appeal under Section 24 of the Act 2020 for challenging the impugned communication dated 22.02.2025, we have considered as to whether any relief could be granted to the Petitioner in view of its contention that for reasons beyond its control, the no-objection from the Medical Education and Drugs Department was received on 08.10.2024 and consent of affiliation from the Maharashtra University Health Sciences, Nashik ('MUHS', for short) was received on 08.01.2025. We, however, find that the Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016 have now been repealed by a fresh set of Regulations known as the National Commission for Indian System of Medicine (Minimum essential standards, assessment and rating for undergraduate Ayurveda colleges and attached teaching hospitals) Regulations, 2024. These Regulations of 2024 have come into force on 01.05.2024. There is also a change in the minimum standard of requirements compared to what was prescribed under Regulations of 2016.

4. The statutory permissions were received by the Petitioner after coming into force the new Regulations of 2024 on 01.05.2024 much after the last date of submitting the application for seeking permission to set up a new Ayurveda Medical College which was 31.08.2024. Moreover, there is also a change in minimum standards under the

Regulations of 2024. In the light of aforesaid, we do not find that the Respondent No.2 acted beyond its jurisdiction in issuing the impugned communication dated 22.02.2025 declining to grant permission to start a new Ayurveda Medical College for the academic year 2025-26.

5. As already stated in the impugned communication, it is open for the Petitioner to submit/pursue its application for the coming academic year 2026-27 in accordance with law.

6. In that view of the matter, no relief can be granted to the Petitioner. The writ petition therefore stands dismissed with no order as to costs.

(M.M. SATHAYE, J.)

(A.S. CHANDURKAR, J.)