



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6527 OF 2016

Mohini Homoeo and Charitable Society, Amravati and anr.
Vs.

The Union of India, Thru. Its under Secretary, Ministry of Ayurveda, Yoga and Naturopathy,
New Delhi and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.R. Deshpande, Advocate for petitioners.
Ms. Mugdha Chandurkar, Advocate for respondent No.1.
Mr. Sunil S. Shinde, Advocate for respondent Nos.8 & 9.
Mr. V.P. Panpalia, Advocate for respondent No.10.
Mr. H.R. Dhumale, AGP for respondent/State.

**CORAM : ANIL S. KILOR AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 04.08.2025.

Heard.

2. Petitioner No.1 is a Charitable Society running Petitioner No.2 – Homeopathic Medical College since 1978. In the year 2013, the respondent No.2 framed Homeopathy Central Council (Minimum Standards of requirement of Homoeopathic Colleges and Attached Hospitals) Regulations, 2013. The said Regulations were framed with an intention to improve the standard of education and for that to have sufficient infrastructure, teaching staff and other facilities. As per

the said Regulations, colleges like the Petitioner No.2 has to fulfill the requirement as contemplated in the said Regulations as regards the infrastructure and facilities, by the cut off date 31st December of each year, to obtain permission to admit students in the next academic year.

3. For the academic year 2016-17, the inspection was carried out in the Petitioner No.2 – College and during the said inspection, certain deficiencies were noticed and recorded in the inspection report dated 14.10.2016. The inspection was carried out on 20.07.2016 and the report was submitted on 14.10.2016. However, before that, on the basis of the deficiencies noticed during the inspection, a show notice was issued on 24.08.2016, calling upon the petitioners to attend the hearing on 09.09.2016 and submit the explanation during the course of hearing.

4. Accordingly the petitioners appeared before the Authority and submitted the explanation in detailed thereby explaining every deficiency. Various documents were submitted along with the explanation in support of the case of the petitioners that the deficiencies were cured and there are no deficiencies. It is pertinent to point out that in view of the hearing conducted on 09.09.2016, the deficiencies as well as the submissions of the petitioners were recorded in a tabular form and in the last column of

the same, remarks were recorded. As per the remarks, the college fulfilled the deficiencies conveyed to it. Thus, it is the case of the petitioners that despite there is a categorical statement that the deficiencies are cured as conveyed to the petitioners, the impugned order came to be passed, not allowing the petitioners to admit students for the year 2016-17.

5. In the circumstances, Shri Deshpande, learned counsel for the petitioners submits that the impugned order needs to be quashed and set aside as it reflects complete non-application of mind.

6. On the other hand, Ms. Chandurkar, learned counsel for respondent No.1, strongly opposed the application and submits that though the said remark was placed before the Competent Authority, it refused to accept the same and issued impugned order. On a specific query put to the learned counsel for respondent No.1 to show the reasons for such disapproval or disagreement with the final remark, there is nothing on record to find out the reasons for such disapproval.

7. Having gone through the Minutes of hearing and the remarks made at the end of the hearing and after considering the submission of the petitioners, we have no hesitation to hold that the record shows that all the

deficiencies were cured by the petitioners. Furthermore, we have noticed that the impugned order passed in the present petition against the petitioner No.2 not allowing it to admit students for the academic year 2016-17 is identical with the order passed in Writ Petition No.6264/2016. In the impugned order also the Competent Authority has not stated any reason why he is not agreeable with the findings recorded by the Committee, who heard the petitioner on 09.09.2016. Except the finding recorded in the para 5, there is no reason given for recording dissatisfaction of the competent authority as to the submissions made by the petitioners. The para 5 of the impugned order reads thus:

“5. Whereas, after considering the written and oral submissions made by the college representatives during hearing, it has been observed that the college not substantiate their claim for having fulfilled the requirements of HCC (MSR) Regulations, 2013 in respect of the deficiencies conveyed vide Ministry's Hearing Notice of even number dated 24.08.2016.”

8. In the circumstances, as there is a categorical observations of the hearing Committee who heard the petitioners that there are no deficiencies, and further considering that identical orders were issued in this matter and in Writ Petition No.6264/2016, it shows non-application of mind as regards the each of the matter independently, we pass the following order :

- (i) The writ petition is allowed.
- (ii) The impugned order dated 10.10.2016 is hereby quashed and set aside. Consequently, the order dated 05.10.2021 is also hereby quashed and set aside. Further, the respondent No.10 is directed to issue degrees to the students, who were admitted during the academic year 2016-17 and who were passed out after completion of course. Such degrees shall be issued to the students at the earliest in any case within a period of three weeks from today.

(Vrushali V. Joshi, J.)

(Anil S. Kilor, J.)