

2025:PHHC:167837 DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6963-2025 (O&M)
Date of Decision: 02.12.2025

AYUJYOTI AYURVEDIC COLLEGE AND HOSPITAL
... PETITIONER

VS.

UNION OF INDIA AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Gaurav Chopra, Senior Advocate with
Mr. Akshay Bansal, Advocate,
Ms. Seerat Saldi, Advocate, and
Ms. Darika Sikka, Advocate,
for the petitioner.

Mr. Anil Chawla, Senior Panel Counsel
for respondent No.1-UOI.

Mr. Angel Sharma, Advocate,
for respondents No. 2 and 3.

Mr. Jagbir Singh, Advocate for
Ms. Jaskirat Kaur, Advocate,
for respondent No.4.

ASHWANI KUMAR MISHRA, J. (ORAL)

CM-17674-CWP-2025

Allowed as prayed for.

Reply on behalf of respondents No. 2 and 3 is taken on record.

CM-10772-CWP-2025

Allowed as prayed for.

Letter dated 21.07.2025 as Annexure P-29 is taken on record.

CWP-6963-2025 (O&M)

The petitioner is an Educational Institution running a college in the name of Ayujyoti Ayurvedic College and Hospital at Jodpuria Sirsa, Haryana. The college is functioning since 2010. It has been accorded permission to admit 50 students which required a minimum strength of 27 teachers for running the course. The functioning of the college is regulated by the respondent i.e. the National Commission for Indian System of Medicine (respondent No.2) and Medical Assessment and Rating Board for Indian System of Medicine (MARBISM) (respondent No.3). The functioning of respondents No. 2 and 3 is monitored by the Union of India through the Ministry of Ayush, New Delhi.

We may note that respondent No.2 has been established pursuant to a parliamentary legislation known as the National Commission for Indian System of Medicine Act, 2020. The statutory regulations framed pursuant to Act No. 14 of 2020 require regular inspection etc. to be conducted by the respondents so as to ensure that the college is functioning in accordance with law.

It transpires that on 2/3-05.2023, an inspection was conducted by the inspection team of respondent No.3. In this inspection, required 27 teachers were found present. Apparently, no shortcoming in this inspection was noticed.

A subsequent inspection was conducted on 19/20-07-2023. In this inspection, 07 teachers were found deficient. It is on the strength of this inspection report that proceedings were initiated and after a show cause notice was issued to the petitioner(s), the first impugned order came to be passed on 13.09.2023 by respondent No.3, denying grant of permission to run the under-graduate (BAMS Course) for the academic session 2023-

2024. In addition thereto, penalty has also been imposed upon the petitioner(s) of a sum of Rs. 1.75 crores. This is on account of absence of seven faculty teachers present on the date of visitation. Appeals filed against such order have also been dismissed vide order dated 05.10.2023, by respondent No.2 as also the second appeal filed before respondent No.1 vide order dated 04.03.2025. Aggrieved by these orders, the petitioner(s) has filed the present writ petition.

On behalf of the petitioner(s), it is submitted that the primary reason for denying permission to run the under-graduate course is the non-availability of seven teachers on the date of inspection i.e. 19/20-07-2023.

Our attention has been invited to the calender of the College as per which the summer vacation had commenced in the college on 23.05.2023 and it continued till 22.07.2023. The factum of summer vacation on the date of second inspection is not disputed.

A notification has been issued by the 4th respondent-University with which the college is affiliated, as per which, summer vacations are declared for the aforesaid period. The notification dated 20.05.2023 specifies that during summer vacations, the Head of the Departments (HODs) would frame a roster of teachers to perform teaching, hospital and administrative duties and that such roster would be approved by the Principal and its copy would be sent to the University. The roster fixed by the HODs and approved by the principal is placed on record at page 116 of the paper book. This roster shows that teachers are allowed one month leave during summer vacation in two batches known as Group-I and Group-II. In Group-I, 15 teachers are shown to be present between 23.05.2023 to 22.06.2023. Name of the seven teachers who were found absent on the date

of second inspection namely, Dr. Ganesh Bala Saheb Patil, Dr. Manoj Marathe, Dr. Gayathri Patil, Dr. Vivek K Lolage, Dr. Ishwer Narkhede, Dr. Samresh Mondal and Dr. Dhanpat Mishra were on duty between 23.05.2023 to 22.06.2023. This roster further shows that for Group-B, 17 teachers were to function between 23.06.2023 to 22.07.2023. During the period of Group-II, the teachers included in the Group-I were on leave. On the date of inspection i.e. 19/20-07-2023, all seven doctors were therefore on leave. This was so as their duties were assigned during Group-I period and had to work from 23.05.2023 to 22.06.2023. It is also undisputed that all the seven teachers who were shown absent in the second inspection on 19/20-07.2023 were found present during the first inspection conducted on 2/3-05.2023.

The impugned action of the respondents states that seven teachers are found missing in the petitioner-Institution and that these teachers are only working on paper and are physically not present. For coming to such conclusion, the apparent basis is the inspection report dated 19/20-07.2023. The respondents also state that as per the Standard Operating Procedure (SOPs), the college was required to produce google time-lines and CCTV footage with regard to working of these seven teachers which are not produced.

From the facts placed on record, we find that the controversy raised in the present matter is with regard to functioning of seven teachers and the dispute essentially relates to the interpretation of the summer vacation duty schedule finalized by the college concerned. The other issue is as to whether these seven teachers were actually appointed or were working in the college concerned.

We have already taken note of the summer vacation duty schedule approved for the college, as per which the seven teachers were on summer vacations on the date of second inspection. No exception, therefore, could have been taken on account of absence of these teachers on the date of second inspection. The respondents apparently have misread the summer vacation duty schedule and the proceedings were initiated treating the names of teachers mentioned in Group-II to be the teachers on leave, such that the teachers shown in Group-1 are required to be present. This is based on complete misreading of the summer vacation duty schedule which is reproduced hereinafter:-

“Ref. No. AAC/2023/288

Dated:22.05.2023

Summer Vacation Duty Schedule May-July 2023			
As per Notification No. 52 dated 20.05.2023 issued by Shri Krishna AYUSH University, Kurukshetra, the summer vacations of the teaching staff will be in two groups. The teachers will perform their duties as under:-			
23.05.2023 to 22.06.2023		23.06.2023 to 22.07.2023	
Group-1		Group-2	
Sr. No.	Name of the Teacher	Sr. No.	Name of the Teacher
1.	Dr. Geeta Singal, Principal	1	Dr. Geeta Singal, Principal
2.	Ms. Kanchan Bala	2	Dr. Suman Sharma
3.	Dr. Ganesh Bala Saheb Patil	3.	Ms. Pooja Rani
4.	Dr. Manoj Marathe	4.	Dr. Jyoti
5.	Dr. Subodh Chander	5.	Dr. Anita
6.	Dr. Ravi Kumar	6.	Dr. Poonam Rathore
7.	Dr. Saurabh Sachdeva	7.	Dr. Satish Garg
8.	Dr. Komal Bansal	8.	Dr. Sukhbir Singh
9.	Dr. Gayathri Bansal	9.	Dr. Manoj Tiwari
10.	Dr. Vivek K. Lolage	10.	Dr. Anjali
11.	Dr. Ishwer Nakhede	11.	Dr. Sangeeta
12.	Dr. Himani Yadav	12.	Dr. Vikas Kumar
13.	Dr. Samresh Mondal	13.	Dr. Pankaj Kumar

14.	Dr. Dhanpat Mishra	14.	Dr. Kavita
15.	Dr. Sanjay Kumar	15.	Dr. Renu Sharma
		16.	Dr. Satya Narain
		17.	Dr. Sandeep Kumar
* Principal can avail holidays as per her requirement.”			

The chart clearly shows that the teachers required to be present on 19/20-07-2023 were the teachers shown in Group-2. Admittedly all 17 teachers in Group-2 were present on the date of inspection. The presence of seven doctors from Group-1 on the date of inspection was not required. The initiation of proceedings by the respondents against the petitioner is, therefore, based on a erroneous factual premise.

During the course of arguments, learned counsel for respondent No.2 has stressed that infact presence of these teachers for the last six months was not proved by producing the google time-line and CCTV footage.

At this juncture, we may refer to the order of the Second Appellate Authority i.e. the Union of India. The observations of the Central Government have been noticed in a chart. In item No. 2, reference is made to the non-presence of seven teachers on the date of second inspection. Item 2 of this chart reads as under:

This revisit was conducted during summer vacations. The information of summer vacations & duty roster was already provided to the President, MARBISM on dated 30.06.2023 vide letter no. AAC/2023/360 in reference to the letter no. 3/2023/MARB/General matters dated 27.06.2023 of MARBISM. Copy of Letter is hereby as ANNEXURE-III. On appended this inspection all the teaching staff as per roster of summer vacation was present and	On perusal of the letter dated 22.05.2023 of Principal Ayujyoti College submitted during the second appeal regarding the summer vacation duty schedule (May-July, 2023) for the teaching staff, it is observed that summer vacation was given by the college to all these 07 teaching staff from 23.05.2023 to 22.06.2023 However, the said college was Re-visited by the visitors of MARBISM on 19.07.2023 and 20.07.2023 and as per letter dated 29.07.2024 of
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duly verified by Visitors.	NCISM (dismissal of first appeal) all these 07 teachers were absent on the day of visitation. In view of the above, it seems that the College could not justify the 07-teaching faculty as regular teachers as per the norms/approved SOPs during visitation and Hearing of the First Appeal.
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So far as the non-production of google time-lines and CCTV footage is concerned, there is no specific notice issued to the petitioner(s) in this regard. The respondents, however, rely upon the SOPs to state that such documents were required to be produced by the petitioner(s). The petitioner(s), however, has relied upon numerous documents to show that these seven teachers were actually working in the college. Reference is made to such documents produced by the petitioner(s) before the respondents in clause 4 of the chart prepared by the Central Government. This clearly shows that the college has submitted Biometric attendance, Rent certificates, Gas copies, Central connection registration application copies, newspaper advertisement of faculty members informing their present place of working, Form-16, local purchase bill, bank salary transfer copies etc. The documents referred to and relied upon by the petitioner(s) have been ignored only because the google time-lines and CCTV footage have not been produced. So far as the non-production of these documents is concerned, we find that neither there is any specific direction issued to the petitioner(s) to produce these documents nor these two documents alone can be treated to be conclusive in view of the Division Bench judgment of this Court in CWP-23980-2023, wherein the Court has observed that the respondents will have to consider other documents and cannot rest their

conclusion only on google time-lines or CCTV footage. The Division

Bench judgment in CWP-23980-2023 was also challenged by the second respondent in SLP (C) Nos. 17156-2024 which has been dismissed on 12.07.2024. The petitioner(s) otherwise has filed details of the working of these seven teachers showing the duration of their work. The details as are mentioned in para 15 of the writ petition are as under:-

Sr. No.	Name of Teacher	Date of Working	Duration of working in College
1.	Dr. Dhanpat Mishra	01.03.2016 to 07.07.2020 & 07.04.2021 to till all the inspections	6 year 10 months Appx.
2.	Dr. Samaresh Mondal	01.12.2015 to till all the inspections	8 Year Appx.
3.	Dr. Ganesh Balasaheb Patil	27.04.2021 to till date	2 year 6 month Appx.
4.	Dr. Gayathri Patil	03.02.2018 to till all the inspections	5 Year 8 month Appx.
5.	Dr. Ishwar Sanjay Narkhede	02.02.2017 to till all the inspections	6 Year 8 month Appx.
6.	Dr. Manoj Marathe	01.04.2017 to till all the inspections	6 Year 6 month Appx.
7.	Dr. Vivek Krishanrao Lolage	05.02.2013 to 01.09.2018 & 20.12.2019 to till all the inspections	9 Year 5 month Appx.

Though reply has been filed by the respondents but there is no denial/dispute by the respondents with regard to the appointment and working of teachers in the aforesaid chart. In the absence of any reply to it, we are inclined to accept the petitioner's contention that infact the engagement of seven teachers was from prior in point of time and their absence on the date of second inspection was justified. The respondents have otherwise not produced any document or material to substantiate their claim of absence of these seven teachers during the last six months. The stand of the respondents in such circumstances cannot be sustained.

In the facts of the case, we otherwise find that the respondents have misread the summer vacation duty schedule, and even after the absence of seven teachers on the date of second inspection was duly explained, the respondents have insisted upon their stand by referring to material which was never pressed into service during the course of the inspection/inquiry. In the event the respondents doubted the continuance of these seven persons independent of the second inspection report, the least that was expected was that the respondents would confront the petitioner(s) with such material and give proper opportunity of hearing in that regard. That is not shown to have been done in the facts of the present case. In such circumstances, this petition deserves to succeed and is allowed.

The orders impugned in the writ petition are, accordingly, quashed.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

02.12.2025
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No