



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

101+201

**CWP-17625-2019 (O&M)
Date of Decision:- 07.07.2025**

CHAUDHARY DEVILAL COLLEGE OF AYURVEDA

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Arjun Pratap Atma Ram, Advocate,
Ms. Shefali Bahia, Advocate for the petitioner.

Mr. Anil Chawla, Sr. Panel counsel
for Union of India-respondent No.1.

Mr. Angel Sharma, Advocate for respondent No.2.

Mr. Naveen S. Bhardwaj, Additional A.G. Haryana.

Mr. Ranvir Sood, Advocate for respondent No.4.

* * * *

SHEEL NAGU, C.J. (Oral)

1. The petitioner-Institution is before this Court praying for the following reliefs:-

(i) Issue a writ in the nature of mandamus summoning the records of the case;

(ii) issue a writ in the nature of certiorari quashing the order dated 05.06.2019 (Annexure P-4);

(iii) issue a writ in the nature of mandamus restoring the order dated 24.10.2016 (Annexure P1)

And/or

issue a writ in the nature of mandamus directing the respondents to grant approval for the session 2019-20;



(iv) any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be issued;

2. The dispute raised in the present petition is essentially with regard to the Academic Session 2019-2020, qua the Bachelor of Ayurvedic Medicine and Surgery (B.A.M.S.) course. For this session, the Central Council of Indian Medicine vide communication dated 26.08.2019 (Annexure P-14) had pointed out following deficiencies in the petitioner-college:-

*"1. **College website**:- The college website is not showing any detail about teaching staff, non teaching staff and students admitted previous years.*

*2. **AGBAS BIO-METRIC ATTENDANCE**:-*

(i) There is no AGBAS BIO-METRIC ATTENDANCE.

*3. **Specimen in Teaching Departments**:-*

(i) There is no specimen available in museum of following departments Ayurveda Samhitha & Siddhant Kriya Sharir, Rog Nidan avum Vikriti Vigyan, Swasthvritta & Yoga, Kayachikitsa, Shalya Tantra and Kaumarbhritya.

*4. **Instruments/Equipment in Department**:-*

Some of the essential equipments are not available in following departments:-

(i) Kriya Sharir laboratory

(ii) Labour Rooms

(iii) Shalya Operation theatres

(iv) OPD section

The mean availability of essential and general equipments is 99.43%."

3. Learned counsel for the rival parties have been heard at length.

4. It is not disputed at the Bar that by interim order passed by this Court on 12.07.2019, the petitioner-college was allowed to make admissions provisionally with a rider that the same shall be subject to removal of



deficiencies pointed out in the inspection report vide communication dated 26.08.2019 (Annexure P-14).

5. It is further not disputed at the Bar that the Bachelor of Ayurvedic Medicine and Surgery (B.A.M.S.), which is a 05 years' course is over and the students admitted in the Academic Session 2019-2020 have completed their classes but their degrees have not been issued to them due to pendency of this litigation.

6. Learned counsel for the petitioner has drawn the attention of this Court to CM-6013-2025 praying that the result be declared by respondent No.4-University and the degrees/D.M.C.s be issued in favour of the students, who have completed the said course.

7. Pertinently, pursuant to the interim order passed vide order dated 12.07.2019, while taking cognizance of this case, a physical inspection was carried out on 05/06.08.2019, whereafter certain deficiencies, as aforesaid, were pointed out.

8. In response to the aforesaid deficiencies pointed out by respondent No.2, the petitioner-college had filed a response dated 29.08.2019 (Annexure P-19).

9. It is not disputed by either of the parties that the students, who have been admitted by virtue of the interim order passed by this Court, have completed their 05 years' course and are waiting for their degrees to be released.

10. The petitioner-college had also submitted certain documents claiming that the deficiencies pointed out by the Central Council of Indian



Medicine were cured during the Academic Session of 2019-2020.

11. Leaving the dispute regarding deficiencies, for the Central Council of Indian Medicine to deal with as to whether the deficiencies, were removed qua Academic Session 2019-2020, this Court, in the light of the recent decision of the Apex Court dated 18.03.2025 in ***Zaid Sheikh Versus The State of Madhya Pradesh and others***, S.L.P.(C) Nos.4361-4362 of 2019, is inclined to regularize the admission of the students who had been admitted in the Academic Session 2019-2020. For ready reference and convenience, the relevant extract of the said judgment of the Apex Court is reproduced below:-

“7. Though there can be no dispute with the proposition that fulfilling the basic eligibility for admission to a course is a sine qua non, which ought not to be overlooked or ignored, the peculiar facts of the case on hand ought to have weighed with the High Court while considering the plight of the appellant. His initial admission in the first College was in clear violation of the Madhya Pradesh Ayurveda/Unani/Homeopathy Undergraduate Entrance Examination Rules-2008, which prescribed the eligibility condition that candidates of all categories and classes were required to have passed English as a subject in the qualifying examination of 10+2. However, the said College came to be de-recognized and all the students of that College were transferred to the Shaskiya Swasashi Dhanwantari Ayurvedic Medical College, Ujjain, and the appellant was allowed to pass English as a subject in Class 12, when he was provisionally admitted by the said College. That fact ought to have been given more weightage by the High Court. More so, as the appellant had acted upon the said Allotment Letter and reappeared for the Class 12 examination, twice over, with English as a subject and had passed it.

8. Though, the interim order granted by the High Court on 30.10.2012 recorded that the appellant would not be entitled to claim equities, the fact that he was permitted to complete the entire course and had also finished part of his mandatory



internship ought not to have been brushed aside lightly. Be it noted that the appellant had put in nearly 6 years by then in pursuing B.A.M.S. Degree Course and the end result of the High Court's order was to decimate his entire labour of all those years. An act of the Court should, ordinarily, not prejudice anyone (Actus curiae neminem gravabit). This is a fundamental principle of justice, but it was disregarded by the High Court while considering the case of the appellant. In any event, the appellant's so-called ineligibility, which was not essential in the context of the course that he had taken, was cured by him thereafter owing to the liberty given by the College itself while provisionally admitting him to the course in September, 2012. Given these peculiar facts, we are of the opinion that this is a fit case for interference so that the appellant is not left out in the cold after completing almost the entire course.

9. The appeals are accordingly allowed, setting aside the order dated 18.06.2014 passed by the Madhya Pradesh High Court in W.P. No. 10267 of 2012 and the order dated 01.08.2014 passed by it in Review Petition No. 236 of 2014. The appellant shall be permitted to complete his course and internship in Shaskiya Swasashi Dhanwantari Ayurvedic Medical College, Ujjain, and the authorities concerned shall thereafter issue him his B.A.M.S. Degree in accordance with due procedure.

No order as to costs."

12. It has been informed that the Central Council of Indian Medicine has since been abolished and its power and functions are now vested in the National Commission for Indian System of Medicine.

13. Accordingly, the present petition stands disposed of by regularizing the admission granted to the students admitted by the petitioner-college in the Academic Session 2019-2020, but leaving it to the Central Council of Indian Medicine (now National Commission for Indian System of Medicine) to take a decision on the documents submitted by the petitioner



vide Annexures P-15 to P-19 with regard to the Academic Session 2019-2020 by passing a speaking order with regard to grant or refusal to grant of permission qua the Academic Session 2019-2020 within a period of 60 days.

14. The result of the students be declared and their degrees/D.M.C.s be issued.

15. Since the main petition itself stands disposed of, no orders are required to be passed in the pending application(s).

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

07.07.2025

S.Sharma

i)	<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
ii)	<i>Whether reportable?</i>	<i>Yes/No</i>