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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 673/2025 & CM APPLs. 69371-73/2025

NATIONAL COMMISSION OF INDIAN SYSTEM OF MEDICINE

.....Appellant

Through: Ms. Archana Pathak Dave, ASG with
Mr. Kumar Prashant, Mr. Avnish Dave,
Mr. Pramod Kumar Vishnoi and Ms.
Mansi Joshi, Advs.

versus

**MANGALAYATAN AYURVEDA MEDICAL COLLEGE &
RESEARCH CENTRE**

.....Respondent

Through: Mr. Amitesh Kumar, Ms. Priti Kumari
and Mr. Pankaj Kumar Ray, Advs. for
R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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07.11.2025

1. Heard the learned counsel for the parties.
2. This intra-Court appeal questions an interim order dated 18.10.2025 passed by the learned Single Judge in W.P.(C) 16223/2025 whereby the order under challenge in the proceedings before the learned Single Judge, dated 09.09.2025 has been stayed.
3. We may, at this juncture, note that by means of the order dated 09.09.2025, the appellant has withdrawn the third renewal permission of the respondent institution for conducting BAMS (UG) Course. The reason assigned by the learned Single Judge is that before passing the said order, the principles of natural justice as embodied in Clause 55(14) of National Commission for Indian System of Medicine (Minimum essential standards,



assessment and rating for undergraduate Ayurveda colleges and attached teaching hospitals) Regulations, 2024 (hereinafter referred to as ‘**Regulation, 2024**’), have been violated.

4. From a perusal of the order impugned before the learned Single Judge, it does not transpire that any opportunity of hearing to the petitioner institute was provided before passing the same.

5. Section 29(7) of the National Commission for Indian System of Medicine Act, 2020 permits the Medical Assessment and Rating Board of Indian System of Medicine to conduct evaluation and assessment of any medical institute, at any time, without any prior notice and assess, and evaluate of the performance, standards and benchmarks of such University or medical institutions. However, such powers are to be exercised in terms of the provisions contained in Regulation, 2024.

6. Regulation 55 of the said Regulation, 2024 contains a complete code prescribing therein the process of assessment or inspection or visitation. Sub Regulation (14) of Regulation 55 runs as under:

“55. The process of assessment or inspection or visitation.-

(1)

(2)

(14) Before issuing the order for denial of permission or reduction of intake capacity or before initiating any disciplinary actions or imposing penalty, an opportunity of hearing shall be given to the existing medical institutions.”

7. A perusal of the aforequoted provision of Sub-Regulation (14) of Regulation 55 makes it clear that before issuing any order for denial of permission, an opportunity of hearing has been mandated to be given to such existing medical institutes.

8. As already observed above, from the perusal of the order dated 09.09.2025 it does not transpire that before passing the said order, any opportunity of hearing was granted to the institution; neither is there any other



material available before the Court which can establish that any such opportunity as mandated by the said provision was given to the respondent/ institution.

9. In this view of the matter, we do not find any error in the order passed by the learned Single Judge which is under challenge herein. However, having regard to the concern of the appellant and also taking into account the interest of the students who may be admitted in the respondent institution, we permit the appellant to pass appropriate order afresh after complying with the requirement of Regulation 55(14) of the Regulation, 2024 as quoted above.

10. We, thus, provide that such fresh exercise shall be undertaken by the appellant which shall provide a copy of the inspection note/ note of the assessment to the respondent institution calling upon it to furnish its reply, and thereafter an opportunity of hearing shall also be provided to the representative of the respondent institution.

11. We have been informed that the inspection of the institute concerned was conducted on 04.09.2025. Accordingly, we direct that a copy of the inspection note depicting the deficiencies which might have been noted shall be furnished to the respondent institute within two days from today whereupon the institution shall be at liberty to file its reply within three days thereafter. The date of hearing shall thereafter be fixed within ten days from today and necessary orders shall also be passed at the earliest.

12. While passing the order afresh, the reply to be submitted by the respondent institution and the submissions to be made during the course of hearing shall also be taken into consideration and, thereafter a reasoned and well-discussed order shall be passed. The order to be passed by the appellant shall also be communicated to the respondent institution.

13. The order dated 09.09.2025 shall abide by the order which may be passed afresh by the appellant.



14. The appeal along with pending applications, if any, stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 7, 2025

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