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

+ **W.P.(C) 17018/2025 & CM APPL. 75779/2025**

WTM AYURVEDIC MEDICAL COLLEGE AND HOSPITAL

.....Petitioner

Through: Mr. Jasbir Singh Malik and Ms.
Prachi Sohi, Advocates.

versus

**NATIONAL COMMISSION FOR INDIAN SYSTEM OF
MEDICINE AND ANOTHER**

.....Respondents

Through: Mr. Kumar Prashant and Mr. Kartik
Nigam, Advocates for Respondents.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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05.12.2025

1. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“a. Issue an appropriate writ including a writ of certiorari for quashing the order dated 18.9.2025 passed by respondent no. 1-National Commission for Indian System of Medicine-NCISM only to the extent of reducing the seats from 60 to 33 seats for admission for academic session 2025-26 for UG (BAMS) course with the petitioner college;

b. Issue a writ of certiorari quashing the impugned order dated 28.10.2025 passed by the Appellate Authority-respondent no.2/Medical Assessment & Rating Board for Indian Systems of Medicine [MARB-ISM] whereby it dismissed the appeal of the petitioner and affirmed the order dated 18.9.2025 of the respondent no. 1-NCISM;

c. Issue an appropriate writ including writ of mandamus directing the respondents particularly respondent no.1 to grant permission to the petitioner-college for admission in UG (BAMS) course for academic session 2025-26 with in-take of 60 seats;

d. Issue a writ of certiorari and quash the impugned show cause notice dated 23.04.2025, follow-up communications dated 04.08.2025, and



related adverse observations, to the extent they allege non-implementation of AEBAS.”

2. Case of the Petitioner College is that on 21.08.2017, Ministry of AYUSH, Government of India granted permission to the Petitioner to run UG (BAMS) Course with an intake of 100 seats under Section 13A of IMCC Act, 1970 for academic session 2017-2018. Permission was again granted for 100 seats for academic session 2018-2019 by Government of India. On 21.09.2021, NCISM granted permission to the Petitioner for 60 seats for the academic sessions 2021-2022, followed by permissions for next years 2022-2023 and 2024-2025.

3. It is stated that on 09.01.2025, NCISM issued an SOP to all AYUSH colleges for verification of faculties for academic session 2025-2026. On 10.02.2025, Petitioner purchased the AEBAS system and submitted online application for implementation in the college. On 21.02.2025, NCISM issued a reminder to all AYUSH colleges for implementing AEBAS. On 23.04.2025, show cause notice was issued to the Petitioner for non-implementation of AEBAS followed by a letter dated 12.07.2025 seeking clarifications on some aspects. In response, on 14.07.2025, Petitioner informed NCISM regarding non-activation of AEBAS system at their end and on 15.07.2025, Petitioner responded to the objections raised.

4. It is stated that by letter dated 04.08.2025, NCISM called upon the Petitioner for a hearing with respect to yearly permission for running the UG (BAMS) Course for academic session 2025-2026. On 05.08.2025, Petitioner sent detailed clarification on the alleged shortcomings pointed out. With regard to AEBAS, in the meantime NCISM informed the Petitioner that the technical glitch was resolved on 14.07.2025 and hence, all faculty members



were immediately registered as soon as the machine was activated.

5. It is stated that on 10.09.2025, NCISM issued the counselling schedule and on 18.09.2025, Petitioner received permission to run UG (BAMS) Course for academic session 2025-2026 with annual intake of 33 seats instead of 60. The decision to reduce the seats was taken owing to certain shortcomings relating to installation of AEBAS and deficiency in the faculty. Petitioner filed First Appeal before Medical Assessment and Rating Board for Indian System of Medicine ('MARB-ISM') on 13.10.2025 explaining that the delay in registering on AEBAS was owing to the fact that the college was unable to update the data due to technical glitches at the end of NCISM *albeit* the system was purchased on 10.02.2025 and temporary registration was obtained on 11.03.2025 and this was within the knowledge of NCISM. Petitioner also explained that there was no deficiency in the faculty, however, the appeal was rejected vide order dated 28.10.2025 and seats were not increased to 60.

6. Learned counsel for the Petitioner submits that no opportunity of hearing was given before reducing the seats from 60 to 33 for the academic session 2025-2026 and thus principles of natural justice have been violated. Respondents have not appreciated the fact that Petitioner was fully compliant for grant of approval for 60 seats and had installed AEBAS system within the prescribed period. The delay, if any, in the system being functional was owing to configuration errors at the end of NCISM portal. Communication from NCISM dated 14.07.2025 reflects that it acknowledged that the AEBAS system was installed in time. Respondents completely ignored Petitioner's clarifications, screenshots, OTP logs and vendor confirmations with regard to installation of AEBAS within time.



7. It is further argued that reading of order dated 18.09.2025, whereby permission was granted for UG (BAMS) Course for 33 seats as against 60 seats as also appellate order dated 28.10.2025 shows that the clarifications given by the Petitioner have been completely ignored. The reduction by 30% of total intake capacity on account of improper/delayed installation of AEBAS is completely illegal inasmuch as Petitioner had complied with the requirements at the very initial stage by purchasing the machine on 10.02.2025 and having the same registered on 11.03.2025. Petitioner repeatedly requested NCISM to share the OTP to login but there was no cooperation and it was only on 14.07.2025 that the technical problems were resolved and immediately, Petitioner updated the data registering all faculty for the purpose of attendance. Despite being itself at fault, NCISM has arbitrarily reduced the seats to the extent of 30% of the total intake capacity.

8. It is further argued that reduction of seats owing to alleged deficiency in the faculty in three different Departments is also unjustified. Dr. Manfool Puniya was working as Assistant Professor in Department of Shalya Tantra and was selected in the Government service. Hence, Petitioner relieved her on 11.03.2025 considering her request favourably but also assuring that another Assistant Professor, namely, Dr. Sushma Yadav joined on 10.03.2025. Similarly, there was no shortcoming in Kaumarbhritya/Bala-Roga Department inasmuch as Dr. Ambika and Dr. Amol Shivajirao were available in the said Departments. In light of this, it is urged that the impugned orders be set aside and direction be issued to NCISM to enhance the seats from 33 to 60 for academic session 2025-2026.

9. Learned counsel for NCISM submits that the impugned orders are justified and warrant no interference. Regulation 9 of “*National Commission*



for Indian System of Medicine (Minimum essential standards, assessment and rating for undergraduate Ayurveda colleges and attached teaching hospitals) Regulations, 2024” (‘Regulations 2024’) provides that any institution intending to take permission for UG (BAMS) Course shall maintain biometric attendance system. Regulation 19 read with Regulation 34 and Schedule IV requires an institution to have minimum 36 faculties for starting an institute of 60 seats. On the date of inspection of the Petitioner institute, it did not have a functional AEBAS system or minimum number of faculties and despite opportunity of hearing, it was unable to show compliance with the provisions of Regulations, 2024.

10. It is further argued that by communication dated 21.02.2025, NCISM instructed the Petitioner to submit online onboarding application at the earliest with a caution that if it failed to do so action will be taken as per NCISM Act and Regulations framed thereunder. It was only on 25.04.2025 that Petitioner submitted its boarding application and NCISM issued the login credentials on 19.05.2025. However, even then till 12.07.2025 i.e., date of issuance of show cause notice, Petitioner had not implemented the AEBAS and for the first time took a plea in reply to the show cause notice that there were technical problems and blamed NCISM. Admittedly, there is a deficiency in the faculty and the Seat Reduction Policy 2025-2026 provides that for deficiency of every one teacher, seat reduction in the intake capacity shall be considered by reducing the intake strength by 5% of total intake capacity. Applying the policy and finding a deficiency of 3 faculty, 15% intake was reduced. In a nutshell, case of NCISM is that 18 seats were reduced due to delayed/improper installation of AEBAS and 9 seats due to deficiency of 3 faculty.



11. Heard learned counsels for the parties.

12. From the arguments of the counsels for the parties as also the documents on record, it emerges that the intake of seats of the Petitioner college for UG (BAMS) Course for academic session 2025-2026 has been reduced from 60 to 33 owing to two-fold reasons: (a) delayed/improper installation of AEBAS system; and (b) deficiency in the faculty. As per Penalization Policy referred to in the appellate order framed under Section 28(1)(f) of NCISM Act for improper/delayed implementation of AEBAS, seat reduction is permissible to the extent of 30% of the total intake capacity. While Petitioner contends that AEBAS was installed in February, 2025 but remained non-functional due to the fault of NCISM, the authority contends otherwise. It is, however, an established fact that the AEBAS became functional only on 14.07.2025 and it is from this date that the faculty were registered for marking their attendance. Petitioner is unable to establish that the delay in making AEBAS system functional was not attributable to it and hence no infirmity can be found in seat reduction on this ground.

13. The appellate order records that on checking the record from 19.05.2025 to 21.10.2025, only one faculty had more than 75% attendance. Out of 26 registered teachers, only 8 had more than 70% attendance, 11 had more than 50% while 6 had less than 50% attendance. Committee also notes that no faculty was appointed in several Departments such as Samhita Siddhanta, Rachna Sharir, Kriya Sharir, Agad Tantra etc. and the deficiency persisted. Seat Reduction Policy 2025-2026 provides that for deficiency of every one teacher, seat reduction in the intake capacity shall be considered by reducing the intake strength by 5% of total intake capacity. Since there



exists deficiency of faculty, reduction of 9 seats is also justified. Hence, no interference is warranted in the impugned order dated 18.09.2025 passed by NCISM limiting the seat intake to 33 as also order dated 28.10.2025 passed by MARB-ISM rejecting the appeal.

14. Writ petition is accordingly dismissed along with pending application. This order will, however, not come in the way of the Petitioner for seeking increase in seats for the next academic year if it is compliant with the requisite conditions.

JYOTI SINGH, J

DECEMBER 5, 2025

S.Sharma