

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11794 of 2021

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Ayurved Medical College and Hospital, Ghughari Tand, Gaya through its Principal, Dr. Uma Shankar Pandey, aged about 65 Years, Gender Male, S/o Late Basudeo Pandey Resident of Mohalla In Side of Mangla Gauri Gate, P.O. Chand Chaura (Gaya), P.S. Vishnupad, District-Gaya, Pin-823001.

... .. Petitioner/s

Versus

1. The Union of India through its the Secretary, Ministry of Health and Family Welfare Department of Health, Ayush, IRCS Building, I Red Cross Road, New Delhi-01.
2. The Under Secretary to the Govt. of India, Ministry of Ayurveda, Yoaga, Naturopathy, Unani Siddha and Homoeopathy, Ayush Bhawan, B Block, GPO Complex, INA, New Delhi Pin Code-110023.
3. The Central Council of Indian Medicine through its Secretary, Office of 61-65, Institutional Area, Jahakpuri, D-Block, New Delhi, 110058
4. The Asistant Registrar, Central Council of Indian Medicine, Office, of 61-65, Institutional Area, Janakpuri, D-Block, New Delhi, 110058.
5. The State of Bihar through its Principal Secretary, Health and Family Welfare Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.
6. The Special Secretary, Health Department, Govt. of Bihar, Patna.
7. The Director, Medical and Health Services, Govt. of Bihar Patna.
8. The Commissioner, Magadh Division, Gaya.
9. The Deputy Development Commissioner (D.D.C.), Gaya.
10. The District Magistrate, Gaya.
11. The Kameshwar Singh Sanskrit University, Darbhanga through its Registrar.
12. The National Commission for Indian system of Medicine, Jawahar Lal Nehru Bhartiya Chikitsa Avum Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Opposite D Block, Janakpur, New Delhi.
13. The Chairperson, National Commission for Indian system of Medicine, Jawahar Lal Nehru Bhartiya Chikitsa Avum Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Opposite D Block, Janakpur, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Adv. Mr. Sanjeev Kumar, Adv. Ms. Chandni Kumari, Adv. Ms. Priya Ranjan, Adv. Mr. Mukesh Kumar, Adv. Mr. Annunay Shahi, Adv. Mr. Nitish Kumar, Adv.
For the Respondent/s	:	Mr. Upendra Prasad Singh, AC to GP-25



	Mr. Amrendra Nath Verma, Sr. Panel Counsel
	Mr. Rakesh Kumar Sinha, CGC
For the Resp. No. 10-12 :	Mr. Tribhuwan Narayan, Adv.
For the Resp. No. 3-4 :	Mr. Janardan Prasad Singh, Sr. Adv.
	Mr. Deepak Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-02-2026

Heard Mr. Sanjeev Kumar, learned Advocate for the petitioner, Mr. Janardan Prasad Singh, learned Advocate for the respondent nos. 3 and 4 and the learned Advocate for the State.

2. The college through its principal has approached this Court seeking quashing of the letter dated 22.03.2021, issued under the signature of Assistant Registrar (Ayurveda), Central Council of Indian Medicine, New Delhi, communicated to the Principal, Ayurved Mahavidyalaya, Ghughari Tand, Gaya whereby it has been informed that the Board of Governors decided that college shall apply under Regulation 13 A of Indian Medicine Central Council Act, 1970 (in short IMCC Act, 1970) for starting New Ayurveda College as Ayurved Mahavidyala, Ghughari Tand, Gaya, Bihar is non-functional since many years. The aforementioned order impugned is said to be wholly arbitrary, illegal and without jurisdiction, besides contrary to the provisions of Act, 1970.

3. Before coming to the contention of the petitioner, this Court takes note of the objection/averments made in the



counter affidavit. The learned Senior Advocate representing the respondent nos. 3 and 4 submitted that the college is not functional for so many years, and the internship of last admitted batch of 2007-08 was completed in the year 2016. Therefore, it is proved that for around nine years, the college is not functional and since 2007, no fresh admission has been made by the petitioner college. In terms with the regulation, the hospital was also required to function continuously in order to get permission in the subsequent year. However, the attached hospital of the college is not functional since so many years. Hence, the college did not fulfill the minimum requirement, as specified in the concerned Act and Regulations, therefore, the erstwhile Central Council of Indian Medicine vide its letter dated 22.03.2021 informed the petitioner college to apply afresh to start new Ayurveda College.

4. Referring to the National Commission for Indian System of Medicines Act, 2020, and the relevant regulation it is further submitted that since 2008-2009 onwards, the college did not even submit any compliance report to the erstwhile CCIM, as required under the concerned regulation. Hence, in compliance of Section 21 of the IMCC Act, 1970 which stood repealed w.e.f. 11.07.2021, the erstwhile CCIM vide its letter



dated 08.01.2016, recommended the Government of India to issue for permanent disapproval of the said college. The Ministry of Ayush, vide its letter dated 13.07.2016, also informed to the Principal Secretary, Health & Family Welfare Department, Government of Bihar that the said college was denied permission for last eight academic sessions since 2008-09 and sought comments from the State Government. Referring to the notification dated 01st of May, 2024 issued by the National Commission for Indian System of Medicines especially Clause 55(12), it is submitted that any institute, which has not been allowed to take admission of the student for five consecutive sessions, it shall be deemed to be closed and such college can apply as a fresh college in terms of Section 29 of the National Commission for Indian System of Medicine Act, 2020.

5. On the other hand, learned Advocate for the petitioner submitted that on one hand, the concerned respondent has taken a decision and directed the college to apply, under regulation 13(A) of The Indian Medicine Central Council Act, 1970, for starting new Ayurveda College and on the other hand, have come out with a show-cause notice dated 12.03.2024 for non-submission of Part-1 visitation proforma since 2019-2020.



In pursuant to which, the petitioner had also submitted his explanation on 05.04.2024, mentioning therein that the petitioner has never been provided the password regarding submission of his above said proforma, hence he could not submit the same. It has further been clarified that the petitioner college was granted recognition in the year 1983, which was renewed from time to time and the recognition of the college has never been cancelled as the petitioner college was fulfilling all the requisite criteria required under the Indian Medicine Control Central Council Act, 1970. Moreover, the new Act has come into force on 11.06.2021 and, as such, the same would not apply in the case of the petitioner.

6. It is further submitted that so far the recognition of the College of the petitioner is concerned, the same is still subsisting and till date, the recognition of the college has not been cancelled. Above all, very recently under Reference No. 15-4/2024-25-fee, dated 20.01.2025, the National Commission for Indian System of Medicine issued an order directing all the Ayurveda College for payment of revised annual Assessment/Inspection/Visitation fee and Digitization fee, which was received by the petitioner college and in pursuant thereto, the petitioner deposited Rs. 3,06,800/- along with 18%



GST through RTGS for the payment of Annual Assessment/Inspection/Visitation fee and Digitization fee for conducting UG Course, Academic Year, 2025-26.

7. Notwithstanding the aforesaid fact, an erroneous decision has been taken to start a new Ayurveda College that will cause serious prejudice to right and entitlement of all the employees, who have been working since long in the college.

8. This Court has heard the learned Senior Advocate/Advocates for the respective parties at length and also perused the materials available on record.

9. Before coming to the issue raised before this Court, it would be pertinent to note that in exercise of the powers conferred under Sub-Section 3 of the Section 1 of the National Commission for Indian System of Medicine Act, 2020 the Central Government notified that all provisions of the said Act shall come into force with effect from 11.06.2021 and further in pursuance of the provisions of Sub-Section 1 of Section 58 of National Commission for Indian System of Medicine Act, 2020, the Indian Medicines Central Council Act, 1970 has been repealed with effect from 11.06.2021. The Central Council of Indian Medicine constituted under Sub Section 1 of Section 3 of the Indian Medicine Central Council Act, 1970 has been



dissolved with effect from 11.06.2020. However, in terms with Section 59(2) it is made clear that notwithstanding the repeal of the Indian Medicine Central Council Act, 1970, the medical standards requirement and other provisions of Indian Medicine Central Council Act, 1970 and the rules and regulation made thereunder shall continue to be enforced and operate till new standards or requirement are specified under this Act or the Rules and Regulations made thereunder.

10. It has further been clarified that anything done or any action taken as regards to the medical standard and requirement under the enactment under repeal and the rules and regulations made thereunder shall be deemed to have been done or taken under the corresponding provisions of this Act shall continue in force unless and until superseded by anything.

11. Now coming to the facts of this case, it is not in dispute that the last batch of admission was made by the college in the year 2007-08 and the internship of the said batch was completed in the year 2016. Since then, the college in question is not functional. Nevertheless any materials have been produced showing that the college in question is maintaining the infrastructure which necessarily includes hospital, teaching staff, non-teaching staff, hospital staff, herbal garden, desired



room etc. All the more the college also did not file the compliance report, which they are required to file, in order to get permission for subsequent year as contemplated under Section 21 of the repealed IMCC Act, 1970. It is needless to observe that in terms with Section 59(2) of the Act, 2020, the College was supposed to maintain the standard requirement and other provisions of IMCC Act, 1970.

12. So far the contention of the writ petitioner that the college and its authorities have never been provided the password regarding submission of compliance report, the same has been refuted by respondent nos. 12 and 13, the National Commission for Indian System of Medicine by submitting that there is no such requirement of depositing the amount to apply the user id and password. Moreover, as per the concerned regulation, all the colleges were required to submit the compliance report on or before 31st of December of each year to get permission for the subsequent year, however, the college in question failed to submit any compliance report as specified in regulation MSR, 2016.

13. Considering the afore-noted facts, specifically the college was lacking required number of faculty member and hospital staff, besides lack of infrastructure, the erstwhile CCIM



vide its letter dated 22.03.2021 in terms with Section 29 of NCISM Act, 2020 and the concerned regulation therein informed the petitioner college to apply afresh to start a new Ayurveda college. It would also be pertinent to take note of the fact that during the pendency of the present writ petition, the Government of India has come out with a notification duly named as Indian Medical System National Commission Act, 2024 providing minimum required standards and its Assessment and Rating Board for the purposes of establishing the Medical College and imparting of education and training of Ayurveda. Section 55(12) of the afore-noted Act of 2024 categorically stipulates that those institution which do not extend permission for admission of the students; or in terms with the Assessment and Rating Board, the Academic Sessions have not been functional or permission has not been extended, such institution shall be deemed to be closed and in such circumstances, if the college wants to re-open, it has to take leave for establishment of New Medical Institution in terms with Section 29 of the NCISM Act, 2020.

14. Undoubtedly, upgrading infrastructure, training and adopting value based personalized care, critical to managing alarming diseases increasing day to day are the need of the hour



and to cater such need, the Institution, which is imparting the medical courses, must have to adhere with the standard of education, including hospital, faculty, staffs, equipment, accommodation, training and other facilities. Any compromise with the minimum standard prescribed under the Act and regulation to be followed by a college, would be fatal and in no circumstances can be allowed.

15. Once it is admitted that almost 17 years have passed and no admission has been made by the petitioner college, which even if not admitted, but obviously strengthen the facts that the college and attached hospitals are non-functional for last so many years and the college also did not submit any compliance report to the erstwhile CCIM as required under the concerned regulation. Besides the facts aforementioned, a recommendation has also been made for permanent disapproval of the said college long back on 18.01.2016, followed by various reminders, this Court does not find any reason or occasion to give any leeway to the petitioner's college to continue any further, without subjecting to improvement and upgrading the infrastructure and achieve atleast minimum standard required in terms with the new Act and the regulations framed in the meanwhile.



16. This Court also cannot lose sight of the fact that earlier the organization In-charge of the Teaching and Non-Teaching Staff Action Committee Association, Ayurveda Medical College and Hospital, Gaya alongwith its Convenor have approached this Court in C.W.J.C. No. 19434 of 2010 and the Court having considered the materials has ruled as follows:-

"The institution in question is an out and out private institution, being run by certain private individuals, who had set it up. Therefore, how they want to handle their obligation and liability is for them to decide. No direction is required to be issued upon the State for their mismanagement or their liabilities to be shouldered by the State, merely because there are few official nominees appointed at the relevant time. Writ petition has no merit, it is dismissed."

17. In view of the aforesaid circumstances and the position obtained in law, this Court does not find any merit in the present writ petition; accordingly the same stands dismissed.

18. However, as this Court has been informed that recently under reference no. 15-4/24-25-fee, dated 20.01.2025, the petitioner deposited Rs. 3,06,800/- alongwith 18% GST through RTGS for annual assessment/inspection/visitation fee and digitization fee for conducting UG courses, the same shall



be adjusted in case the petitioner shall apply for starting of new college in terms of Section 29 of the NCISM Act, 2020. It is also made clear that if the petitioner college does not apply for starting of new Ayurveda college, in such circumstances the amount as deposited, shall be credited in the account duly authorized by the Managing Committee on its request.

19. There shall be no order as to cost.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2026
Transmission Date	NA

