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

\# **CNR No. DLHC010498802026**

\+ W.P.(C) 15288/2026

SARDAR PATEL AYURVEDIC MEDICAL COLLEGE AND HOSPITAL

.....Petitioner

Through:Sr. Adv. Akhil Sibal, Adv. Jahnavi Sindhu, Adv. Mridul Tiwari, Adv. Animesh Kumar, Adv. Nishant Kumar, Adv. Aprajita, Adv. Manini Shah, Adv. Shahid Ali Siddique and Adv. Naina Agarwal

versus

NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE & ORS.

.....Respondents

Through: Mr. Kumar Prashant, Adv for R1

76

\# **CNR No. DLHC010502132026**

\+ W.P.(C) 15405/2026

SAM COLLEGE OF AYURVEDIC SCIENCES AND HOSPITAL

.....Petitioner

Through: Sr. Adv. Sanjay Sharawat, Sr. Adv. Akhil Sibal, Adv. Jahnavi Sindhu, Adv. Mridul Tiwari, Adv. Animesh Kumar, Adv. Nishant Kumar, Adv. Aprajita, Adv. Manini Shah, Adv. Shahid Ali Siddique and Adv. Naina Agarwal

versus

NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE & ORS.

.....Respondents

Through: Mr. Kumar Prashant, Adv for R1

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

O R D E R

% 27.10.2026

W.P.(C) 15288/2026

1. This is a writ petition filed under Article 226 of the Constitution of

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India seeking the following prayers :-

> *"a) Issue an appropriate writ/order/direction in nature of certiorari quashing the letter dated 08.09.2026 issued by Respondent No. 2.*
>
> *AND*
>
> *b) Issue an appropriate writ/order/direction in nature of certiorari quashing the letter dated 14.09.2026 issued by Respondent No. 2.*
>
> *AND*
>
> *c) Issue an appropriate writ/order/direction to declare that the Petitioner is under Extended Permission Category and entitle to admit students as per previous year intake for AY 2026-27 in terms of Regulation 55 [2] of MES Regulation, 2024.*
>
> *AND*
>
> *d) Issue appropriate writ/order/direction in nature of Mandamus directing the Respondent No 2 to grant permission to admit students with 100 Seats for AY 2026-27 in accordance with NCISM ACT, 2020 and the regulations made thereunder within stipulated time frame. …"*

2. The brief facts of the case are that the petitioner Institute was established in the year 2021 and is conducting BAMS course since the Academic Session of 2021-2022 with an intake of 100 seats pursuant to the initial permission granted by the respondent No. 2 namely, Medical Assessment and Rating Board for Indian System Of Medicine

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("MARBISM") *vide* letter dated 07.01.2022. Thereafter, the permission continued till the academic year 2025-2026.

3. It is stated by the petitioner that in the annual visitation for the session 2025-2026 conducted on 15.04.2025-16.04.2025, the visitors physically verified the teaching faculty working regularly including 24 teachers out of 28 teachers, which are now alleged to be "on paper".

4. The respondent No. 2/MARBISM on 21.07.2025 granted yearly permission for the academic session of 2025-2026, wherein the teaching faculties were recorded at 41 out of 45 and no adverse findings were recorded *qua* the functionality of the hospital.

5. On 26.02.2026, a surprise inspection was conducted by the respondent No. 2/MARBISM at 15:00 for which the zoom link was sent *via* email at 02:55 hours. In this visitation, out of 59 faculties who were registered on AEBAS and 49 faculties who had marked their attendance, only 31 faculty members were found to be physically present.

6. Pursuant thereto on 07.04.2026, a hearing notice was issued wherein name of 30 faculty members were mentioned specifying that 20 faculties were marked attendance in AEBAS but were physically absent and 10 faculty members were absent on that day. Consequently, it was directed that the petitioner Institute would submit the relevant CCTV footage and marked attendance of last 3 months of teaching faculties prior to the date of visitation.

7. The petitioner Institute duly replied to the said show-cause notice and in its response categorically stated that the hard disk containing CCTV footage was with the inspection team and hence the petitioner Institute was unable to furnish the CCTV footage.

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8. The respondent, thereafter, passed the impugned order dated 08.09.2026 declaring 28 faculty members of the petitioner Institute to be present only on paper and imposed the following decision:-

"DECISION"

Therefore, **in view of the above recommendation of the hearing committee and decision of the Board, monetary penalty of Rupees One Crore Only (Rs. 1,00,00,000/-) is hereby imposed on your institution in accordance with section 28(1)(f) of NCISM Act 2020, Regulation 71 (3) (a) of the Minimum Essential Standards, Assessment and Rating for Undergraduate Ayurveda Colleges and Attached Teaching Hospital Regulations, 2024 and MARBISM Letter No. 3/2024/MARB/General Matter dated 10.02.2025, as Twenty Eight (28) faculty members of your institution as mentioned above, are proven to be physically absent but present only on paper and the documents and the clarification submitted by the institution are not sufficient to substantiate the regularity and physical presence of the said faculty members in the institution.**

And to withhold the Teacher Code of Twenty Eight (28) Faculty members & impose the monetary penalty as per the decision taken in the 26TH meeting of the commission, informed vide office memorandum dated 11.08.2026 and referred the matter to the BERISM, NCISM to suspend or withhold the registration of teachers & take necessary action in accordance with the concerned regulation.

10) **Further, imposed penalty of Rupees One Crore Only (Rs. 1,00,00,000/-) is to be remitted in the account of NCISM on or before 31st Dec. 2026, the details of which are as follows: -**

Name of the Account	**The National Commission Fund for Indian System of Medicine**
Bank Account Number	40304186583
IFSC Code	SBIN0010651
Bank Name	State Bank of India
Branch Address	CCRAS Janakpuri New Delhi - 110058

11) **In case of failure to remit the penalty within the stipulated time, the Board shall be constrained to initiate further action under Regulation 71(3)(b) and 71(3)(d)(e)(g) of MESAR (UG-Ayurveda) Regulations, 2024, including warning, withdrawal of permission/rating, for subsequent academic years, reduction of intake capacity, or any other action deemed fit.**

अध्यक्ष, आंकलन एवं रेटिंग बोर्ड
President, Medical Assessment and Rating Board
भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग
National Commission for Indian System of Medicine
पंजाबी बाग (पश्चिम), नई दिल्ली-110026
Punjabi Bagh (West), New Delhi-110026

(Dr. Mukul Patel)
President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM)

Copy to through E-mail : -

1) The Chairperson, National Commission for Indian System of Medicine, T-19, 1st Floor, Block-IV, Dhanwantri Bhawan, Road No.66, Punjabi Bagh (West), New Delhi-110026 for information.
2) The Secretary to Govt. of India, Ministry of AYUSH, Ayush Bhawan, B-Block, GPO Complex, INA, New Delhi-110023. **(secy-ayush@nic.in, ep1section-ayush@gov.in).**
3) Legal Section, NCISM
4) Guard file

(Dr. Mukul Patel)
President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM)

9. Consequent to the aforesaid decision, another letter dated 14.09.2026 was issued whereby the respondent No. 2/MARBISM not only reiterated the penalty imposed by the aforesaid decision but also computed a seat reduction and denied permission for the Academic session of 2026-2027.

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The operative portions of letter dated 14.09.2026 read as under:-

> *"i) For Teaching staff:-*
>
> *For each deficient teaching faculty, seat reduction in the intake capacity shall be considered by reducing the intake strength by 5% of the total intake capacity.*
>
> *After considering the observations of the Hearing Committee, Twenty Eight (28) teaching faculty members are proven to be working on-paper teachers and, therefore, could not be considered as regular teaching faculty…."*

10. Mr. Prashant, learned Standing Counsel for the respondent No. 1-2, states that in the present case, a perusal of the notice dated 07.04.2026 shows that the petitioner was asked for the relevant data of three months which is substantial compliance of the Standard Operating Procedure (SoP) dated 10.02.2025.

11. He further states that a cumulative understanding of the situation with physical verification and other circumstances clearly shows that 28 teachers were on paper teachers and were not teaching in the petitioner Institute. Hence, the decision of the respondent No. 1-2 is in accordance with the law and SoP, hence, deserves to be upheld.

12. I have heard learned Senior Counsel and counsel for the parties and perused the documents placed on record.

13. In somewhat similar circumstances in the case of ***Faculty of Ayurveda Mansarovar Global University v. National Commission for Indian System of Medicine & Anr.*** bearing W.P. (C) No. 14773/2026, I have made the following observations:

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> *"11. A cumulative reading of the aforesaid provisions indicates that a discrepancy between the attendance reflected in the AEBAS data and the physical presence of faculty members at the time of visitation cannot, by itself, be treated as conclusive proof that the faculty members concerned are merely present on paper. The SOP contemplates verification of records for the preceding six months. It further provides for scrutiny of attendance against the prescribed threshold of 75%, in accordance with the criteria stipulated therein, before arriving at such a conclusion. ..."*

14. From a conspectus of the aforesaid, it is clear that the SoP is required to be scrupulously followed in its letter, spirit and intent, and in any case the respondent No. 1-2 are duty bound to satisfy themselves with the entire attendance data of preceding six months before imposing such harsh measures on the petitioner Institute having serious consequences and threats to its functioning and existence. Admittedly the respondents have only sought for 3 months data and not 6 months.

15. Additionally, in the present case, the fact alleged by the petitioner that the CCTV footage of the relevant period is with the respondent No. 1-2 has neither been adverted too nor dealt with in the impugned orders dated 08.09.2026 and 14.09.2026. Hence, the impugned orders suffer from non-consideration of material aspects and non-application application of mind.

16. For the said reasons, the impugned orders cannot be sustained and are hereby set aside. Resultantly, all necessary consequences shall follow.

17. The petition stands disposed of in the aforesaid terms along with

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pending applications.

W.P.(C) 15405/2026

18. Since, the issue concerned in the present matter is similar to that in W.P.(C) 15288/2026, the reasons, observations and directions passed in the aforesaid order shall apply mutatis mutandis to the present writ petition.

19. Accordingly, the impugned orders dated 31.08.2026 and 10.09.2026 are hereby quashed and set aside. Resultantly, all necessary consequences shall follow.

20. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

OCTOBER 27, 2026/NR

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