

\$~29, 30, 32 to 41

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

+ W.P.(C) 10959/2018 & CM APPL. 42690/2018

BEEHIVE AYURVEDIC MEDICAL COLLEGE AND HOSPITAL
AND ANR. Petitioner

Through: Mr.Vivek Singh, Mr.Rahul Arya and
Mr.Eish Sharan, Advocates.

Versus

UNION OF INDIA AND ANR. Respondent

Through: Mr.Bhagwan Swarup Shukla, CGSC
for R-1.

with

W.P.(C) 11520/2018 & CM APPLs. 44524/2018, 1996/2021

W.P.(C) 11438/2018 & CM APPL. 44258/2018

W.P.(C) 11457/2018 & CM APPL. 44347/2018

W.P.(C) 11458/2018 & CM APPL. 44352/2018

W.P.(C) 11535/2018 & CM APPL. 44617/2018

W.P.(C) 11857/2018 & CM APPL. 45927/2018

W.P.(C) 12090/2018 & CM APPL. 46826/2018

W.P.(C) 12100/2018 & CM APPL. 46921/2018

W.P.(C) 11516/2018 & CM APPL. 44492/2018

W.P.(C) 11517/2018 & CM APPLs. 44513/2018, 44514/2018,

53138/2018

W.P.(C) 11534/2018 & CM APPL. 44614/2018

For petitioners: Mr.Neeraj Jain and Mr.Anupam Mishra, Advocates in item
No.30.

Mr.S.S.Lingwal, Advocate in item Nos.32, 34, 35, 38.

Mr.Jasbir Singh Malik, Advocate in item No.36 & 40.

Ms.Pragya Puri, Advocate in item Nos. 33 & 37.

Mr.Varun Thakur and Ms.Shraddha Sharan, Advocates in item No.39.

Mr.Neeraj Jain and Mr.Anupam Mishra, Advocates in item No.41.

For Respondents: Mr.Bhagwan Swarup Shukla, CGSC for UOI in item
Nos. 29, 30 & 32 to 41.

Ms.Archana Pathak Dave, Standing Counsel with Mr.Pramod Kumar
Vishnoi, Advocates for R-2/CCIM in item Nos. 29, 30 & 32 to 41.

Mr.Dev.P.Bhardwaj, Central Government Counsel for UOI with Ms.Anubha Bhardwaj and Mr.Sachin Singh, Advocates in item No.32 & 34.

Mr.Virendra Rawat, Advocate for R-3 in item No.35.

Mr.Sanjeev Sabharwal, Sr.Panel Counsel for UOI in item No.35

Mr.Anurag Ahluwali, CGSC for R-1 & 2 in item No.37.

Mr.Virendra Rawat, Advocate for R-4 in item No.38.

Mr.Brajesh Pandey, Advocate for intervener in item No.39.

Mr.Ripu Daman Bhardwaj, CGSC for R/UOI in item Nos.33, 38 & 40.

Mr.Sandeep Devashish Das and Ms.Anurima Sood, Advocate for R-4 in item No.41.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **15.03.2023**

1. Learned counsel appearing on behalf of the parties submit that the issue involved in all these petitions is with respect to grant of recognition for running Bachelor of Ayurvedic Medicine and Surgery course (BAMS) for the academic year 2018-2019.

2. Learned counsel appearing on behalf of the petitioners state that all these institutions were already on-going institutions prior to 2018-2019. According to them on account of certain alleged short comings the recognition was not granted for the academic year 2018-2019 by the competent authority. They, therefore, have approached this court in respective writ petitions. Learned counsel further points out that this court in terms of different interim orders granted the permission to the petitioners to participate in the counselling and to admit the students to the permissible intake capacity for the academic year 2018-2019. They, therefore, submit that on the basis of interim protection granted by this court, the petitioner-institutions admitted the students in the academic year 2018-2019 and

thereafter, the admitted students are continuing their studies. According to them, all the institutions were subsequently inspected and for all subsequent years, the institutions have been granted recognition by the competent authority. However, in some of the cases there were certain litigations but the fact remains that in all subsequent years, either by the directions of the court or otherwise, the recognition was granted. Petitioners, therefore, state that now the students are at the verge of completion of their course and under the present circumstances, if the students are asked to discontinue their studies, the same would be highly detrimental to them. They also undertake that if there are any deficiencies to be pointed out by the competent authority, the institution concerned would undertake to rectify the same.

3. The date of interim order passed in each petition is as under:-

<i>Writ petition No.</i>	<i>Date of interim order</i>
<i>W.P.(C) 10959/2018</i>	<i>11.10.2018</i>
<i>W.P.(C) 11520/2018</i>	<i>29.10.2018 & 14.11.2018</i>
<i>W.P.(C) 11438/2018</i>	<i>23.10.2018</i>
<i>W.P.(C) 11457/2018</i>	<i>29.10.2018</i>
<i>W.P.(C) 11458/2018</i>	<i>23.10..2018</i>
<i>W.P.(C) 11535/2018</i>	<i>25.10.2018</i>
<i>W.P.(C) 11857/2018</i>	<i>31.10.2018</i>
<i>W.P.(C) 12090/2018</i>	<i>12.11.2018</i>
<i>W.P.(C) 12100/2018</i>	<i>12.11.2018</i>
<i>W.P.(C) 11516/2018</i>	<i>25.10.2018</i>
<i>W.P.(C) 11517/2018</i>	<i>29.10.2018</i>
<i>W.P.(C) 11534/2018</i>	<i>29.10.2018 & 14.11.2018</i>

4. It is to be noted that while perusing the interim order, deficiencies were not found to be so inherent to doubt the student's basic eligibility for admissions.

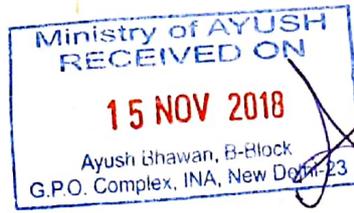
5. Learned counsel appearing on behalf of the respondents do not dispute the said position that for each institution, the recognition after 2018-2019 were granted by the competent authority.

6. In view of the aforesaid, since interim orders was operating in favour of each institution, and as of now, the students are at the verge of completion of their respective course, this court finds it appropriate to make the interim order absolute and to set aside the impugned order in each petition with further directions to the respondent competent authority to take appropriate action if so necessitated on the basis of prevailing circumstances.

7. The petitions are therefore, disposed of in the aforesaid terms.

PURUSHAINDR KUMAR KAURAV, J

MARCH 15, 2023/MJ



\$~4 to 11, 49, 52, 53

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

- + W.P.(C) 11458/2018
- + W.P.(C) 11516/2018
- + W.P.(C) 11517/2018 ✓
- + W.P.(C) 11519/2018
- + W.P.(C) 11520/2018
- + W.P.(C) 11534/2018
- + W.P.(C) 11535/2018
- + W.P.(C) 11857/2018
- + W.P.(C) 11629/2018
- + W.P.(C) 11169/2018
- + W.P.(C) 11457/2018

DOON INSTITUTE OF MEDICAL SCIENCES AND ANR.
VIJYASHREE AYURVEDIC MEDICAL COLLEGE AND
HOSPITAL

✓ PARASHAR AYURVEDIC MEDICAL COLLEGE AND
HOSPITAL

LORD BUDDHA HOMEOPATHIC MEDICAL COLLEGE &
HOSPITAL & ANR

KVS INSTITUTE OF AYURVEDIC MEDICAL SCIENCE
AND RESEARCH CENTRE

DR. VIJAY AUVRVEDIC COLLEGE, HOSPITAL AND
RESEARCH CENTRE

BISHAMBER SAHAI AYURVEDIC MEDICAL COLLEGE
& RESEARCH CENTRE & ANR

OM AYURVEDIC MEDICAL COLLEGE AND HOSPITAL

KRISHAK MAHA VIDYALAYA SAMITI AND ANR.

DAYALBAGH EDUCATIONAL INSTITUTE DEEMED
UNIVERSITY

MOTHERHOOD AYURVEDA MEDICAL COLLEGE AND
ANR.

..... Petitioners

Through: Mr. Sanjeev Puri, Sr. Adv. with Mr. Kamal Kumar
and Mr. Aditya Chibber, Advs.

Mr. Varun Thakur, Mr. Varinder Kumar Sharma
and Mr. Brajesh Pandey, Advs. for petitioner in
WP(C) 11516/2018

for
Court Master
Delhi High Court
Delhi.

Mr. Jasbir Singh Malik, Adv.
Mr. S.S. Lingwal, Adv. for petr. in 11519/18
Mr. Sanat Kumar, Sr. Adv. with Mr. Vinay Arora
and Mr. Vinayak Batta, Adv.

Versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Dev P. Bhardwaj, CGSC for R-1 with
Ms. Anubha Bhardwaj, Adv.
Mr. Rajesh Kr. Gogna, CGSC with Mr. Upendra
Sai, Adv. for R-1 in WP(C) 11516/18
Ms. Archana Pathak Dave, Adv. for R-2/CCIM
Mr. Manish Mohan, CGSC with Ms. Manisha
Saroja, Adv.
Mr. Bhagvan Swarup Shukla, CGSC with Mr.
Kamaldeep and Mr. Shravan Kr.
Mr. Sanjeev Sabahrawal, SGC with Mr. Pritish
Sabharwal, Adv.
Mr. Virendra Rawat, DAG for R-3
Mr. P.S. Singh, SPC with Md. Zeeshan Ansari,
Adv.
Mr. Ripu Daman Bhardwaj, CGSC with Mr. T. P.
Singh, Adv. for R-1
P.S. Singh, Sr. Adv. with Mhd. Zeeshan Ansari,
Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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14.11.2018

1. The order impugned in all these matters denies the concerned petitioners' colleges permission to grant admission to students of the BAMS and BHMS (UG) Course for the academic session 2018 - 2019. The petitioners in these cases have relied on orders passed by various High Courts, including orders passed by this Court. One such orders was passed, on 11th October, 2018, in WP(C) 10959/2018

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Court Master
Delhi High Court
Delhi

Beehive Ayurved Medical College And Hospital v. Union of India,
which reads thus:

“W.P.(C) 10959/2018 & CM No.42690/2018 (for stay)

3. This petition, though not on the Roster of this Bench has been received at about 1215 hours in terms of General Direction dated 9th October, 2018 of Hon'ble the Chief Justice, owing to the Roster Bench Judge being on leave.

4. The senior counsel for the petitioners has been heard.

5. It is the contention of the senior counsel for the petitioners that vide the impugned communication dated 29th September, 2018, permission to the petitioners to make admissions to BAMS course for the academic year 2018-2019 has been denied on the ground of deficiencies allegedly found during the inspection carried out. It is argued, that pursuant to said inspection an opportunity was given and in which hearing the petitioners, as recorded in the minutes of hearing at page 143 of the paper book, had furnished proof of deficiencies pointed out not existing/having been made up. It is further argued, that permission has been denied without considering the same as well as the minutes of hearing. Attention is also drawn to the order of the Rajasthan High Court at page 156 of the paper book and to the public notice issued by the respondent No. 1 of 15th September, 2018, permitting the Colleges who had approached the High Court of Allahabad, to make admissions subject to final orders in the writ petitions.

6. On enquiry, it is informed that the last date for admission is 31st October, 2018, but prior thereto several steps have to be taken.

7. The counsel for the respondent no. 1 appearing on advance notice states that he has no instructions and seeks time till Monday i.e. 15th October, 2018.

8. None appears for respondent No. 2 Central Council of Indian Medicine, in spite of advance copy stated to have been given.

9. The counsel for the respondent No. 1, on enquiry states that he will take instructions qua appearing for the respondent

for
Anil
Court Master
High Court
Allahabad

No.2 as well.

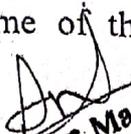
10. Issue notice.
11. Notice is accepted by the counsel for the respondent No.1.
12. The petitioners to serve the respondent No.2 electronically on the letter head of the counsel for the petitioners himself, along with the copy of the paper book.
13. List before the Roster Bench on 15th October, 2018.
14. Till further orders, the petitioners may proceed with the admissions in terms of the public notice dated 15th September, 2018 aforesaid.

A copy of this order be given *dasti* under the signatures of the Court Master.”

2. Following the said order, I have also passed orders in writ petitions involving identical issues, including WP(C) 12100/2018 Haridwar Ayurvedic Medical College & Research Centre & Anr. v. Union of India & Ors. In these cases, following the order passed by this Court in *Beehive Ayurved Medical College And Hospital v. Union of India*, while issuing notice on the writ petitions, interim orders have been passed, permitting the petitioners to proceed with admissions in terms of the public notice dated 15th September, 2018/27th September, 2018, subject to the outcome of the writ petitions.

3. Following the said order, the petitioners in these writ petitions are also permitted to proceed with admissions in terms of the public notice dated 15th September, 2018/27th September, 2018, subject to the outcome of these writ petitions. The

for


Court Master
Delhi High Court
New Delhi.

respondents are also directed to upload/include the name of the petitioners' colleges in the list of colleges reflected on their respective web portals. It is also made clear that in case, in respect of any of the petitioners' college is reflected, on the web site of the respondents, as being a college for whom permission has been denied, pending disposal of these writ petitions, the said entry would be corrected accordingly.

4. The respondents are also permitted to file their response to the on-site reports/reports of the local commissioners who had been appointed in these cases, to inspect the colleges in question within a period of two weeks.
5. Renotify on 14th February, 2019.
6. A copy of this order be given *dasti* under the signatures of the Court Master.

NOVEMBER 14, 2018/kr

C.HARI SHANKAR, J

fss
COURT MASTER
Delhi High Court
New Delhi