

S-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 MAHAVIDYALAYA 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
New 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, Advts.

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
Satoha, 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,
Advts. for R-1

CORAM:

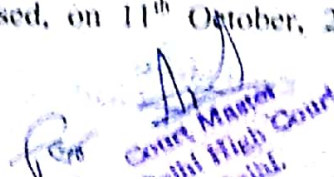
HON'BLE MR. JUSTICE CHARI SHANKAR

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



Court Master
High Court

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


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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

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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.

C.HARI SHANKAR, J

NOVEMBER 14, 2018/kr

for
A.S.
Court Master
Delhi High Court
New Delhi.