# HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 2800/2021

Kanchan D/o Shri Hoshiyar Singh, Aged About 22 Years, R/o Satnali (7), Satnali, Mahendragarh, Hariyana, (Enrolment No. Drsrrau/2017/00379)

----Petitioner

## Versus

- 1. Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi -110058
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 5. The Principal, Shekhawati Ayurved College, Pilani Jhunjhunu (Raj)

----Respondents

## D.B. Civil Writ Petition No. 3844/2021

Okesh Kumawat S/o Ramkishore Kumawat, Aged About 24 Years, Dholi Mnadi, Chomu, Jaipur (Enrolment No. Drsrrau/2017/00147).

----Petitioner

- 1. The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi-110 058.

- 3. The Vice-Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 5. The Principal, National Institute Of Ayurved, Address-Amar Road, Jorawar Singh Gate, Jaipur-302002

## D.B. Civil Writ Petition No. 4048/2021

- Pradeep Kumar S/o Jagdish Ram, Aged About 20 Years,
   Meethri, Mithri Nagar (Raj.) 341533
- 2. Madan Singh S/o Dasharath Singh, Aged About 20 Years, Virol Bari, Jalor (Raj.) 343041
- 3. Amit Garwa S/o Prabhakar Garwa, Aged About 25 Years, Narayan Vihar Colony, Jaldhari Nagar, Sikar (Raj.) 332001.
- 4. Shoaib Akhtar Behlim S/o Zakir Hussain Behlim, Aged About 23 Years, Main Market Near Water Tank Ward No.12 Keshoraipatan Bundi (Raj.), 323601.
- 5. Vikash Sepat S/o Roopnarayan Jat, Aged About 21 Years, Village Bhesawa, Tech. Kishangarh, Renwal Jaipur (Raj.) 303603.
- 6. Krishan Devenda S/o Rajendra Devenda, Aged About 21 Years, Cheethwari Jaipur (Raj.) 303805.
- 7. Vikram Kumar S/o Jagdish, Aged About 21 Years, Village Karda, Kardan Jalor (Raj.) 343040.
- 8. Mukesh Kumar Meena S/o Ramprasad Meena, Aged About 25 Years, Ward No.7, Banda Ka Jhupda, Bhilwara (Raj.) 311203.
- 9. Rakesh Choudhary S/o Surajbhan Choudhary, Aged About 24 Years, Amarpura, Jaipur (Raj.) 303804.

----Petitioners

#### Versus

 Union Of India, Through Secretary To The Government, Ministry Of Ayush, Government Of India, Ayush Bhawan, B Block, G.p.o. Complex, Ina, New Delhi, India (110023)

- The Central Council For Indian Medicine, Situated At Janakpuri, New Delhi (110058)
- 3. Dr. S.r. Rajasthan Ayurved University, Karwar, Nagaur Road, Jodhpur, Through The Registrar At Jodhpur.
- 4. The Controller Of Examination, Dr. S.r. Rajasthan Ayurveda University, Karwar, Nagaur Road, Jodhpur Through Its Registrar At Jodhpur.
- 5. Madan Mohan Malviya Rajkiya Govt. Ayurved Mahavidyalaya, Through Its Principal, Ambamata Scheme Udaipur (Raj.), 313001

----Respondents

## D.B. Civil Writ Petition No. 3853/2021

Arvind Kumar S/o Shri Bhakhar Ram, Aged About 22 Years, R/o Village Pur, Tehsil Sanchore, District Jalore (Enrolment No. Drsrrau/2017/00107)

----Petitioner

#### Versus

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi 110058
- 3. The Registrar, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Raj.)
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 5. The Principal, National Institute Of Ayurved, Address Amar Road, Jorawar Singh Gate, Jaipur 302002

----Respondents

#### D.B. Civil Writ Petition No. 4113/2021

Hamidunnabi S/o Shri Mohd. Nabi Hasan, Aged About 25

Years, R/o Near Nageena Masjid Mauhalla Navpur, Bhojpur Dharmpur, Moradabad (Utter Pradesh) (Enrolment No. Drsrrau/2017/00423)

----Petitioner

#### Versus

- 1. The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi 110058
- 3. The Vice Chancelloer, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Raj.)
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 5. The Principal, University College Of Unani, Tonk (Raj.)

----Respondents

## D.B. Civil Writ Petition No. 2751/2021

Umesh Bhati S/o Shri Ashok Kumar, Aged About 23 Years, R/o Neharu Colony, Shanti Marg, Balotra District Barmer (Rajasthan) (Enrolment No. Drsrrau/2017/00358).

----Petitioner

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri 'd' Block, New Delhi 110058.
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli

Radhakrishnana Rajasthan Ayurvedic University (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan).

5. The Principal, Punjab Ayurved Medical College And Hospital, Sri Ganganagar (Raj.).

----Respondents

## Connected With

## D.B. Civil Writ Petition No. 2577/2021

Sunil Kumar Kuldeep S/o Om Prakash Kuldeep, Aged About 24 Years, R/o 115, Bhagwan Nagar Ward No. 11 Hamaada Ghati Ninder Harmada, Jaipur (Rajasthan) (Enrolment No. Drsrrau/2017/00613).

----Petitioner

#### Versus

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi-110058.
- 3. The Vice-Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u), Nagaur Road, Karwar Jodhpur (Rajasthan).
- 5. The Principal, Mahatma Jyotiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

----Respondents

## D.B. Civil Writ Petition No. 2621/2021

Ashok Kumar Sharma S/o Shri Arjun Lal Sharma, Aged About 25 Years, R/o Balesro Ki Dhani Ghatwada, Jatanwali, Jaipur (Rajasthan) (Enrolment No. Drsrrau/2017/00545)

----Petitioner

## Versus

 The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.

- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi 110058
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 5. The Principal, Mahatma Jyoitiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

## D.B. Civil Writ Petition No. 2632/2021

Raghvendra Singh Shekhawat S/o Shri Manohar Singh Shekhawat, Aged About 22 Years, R/o Vyas Mohalla Kareen, Jaipur (Rajasthan) (Enrolment No. Drsrrau/2017/00592)

----Petitioner

#### Versus

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi-110058.
- 3. The Vice-Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u), Nagaur Road, Karwar Jodhpur (Rajasthan).
- 5. The Principal, Mahatma Jyoitiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

----Respondents

## D.B. Civil Writ Petition No. 2634/2021

Tejpal Kulriya S/o Shri Hanuman Prasad Kulriya, Aged About 26 Years, R/o Ward No. 08 Aloda, Aloda, Sikar, Danta

Ramgarh (Rajasthan) (Enrolment No. Drsrrau/2017/00620)

----Petitioner

### Versus

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi 110058
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 5. The Principal, Mahatma Jyoitiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

----Respondents

## D.B. Civil Writ Petition No. 2638/2021

Rajesh Choudhary S/o Shri Sube Singh Choudhary, Aged About 21 Years, B/c Choudhary, R/o Vill. Sangtera, Kotputli Dist. Jaipur (Rajasthan) (Enrolment No. Drsrrau/2017/00595)

----Petitioner

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi - 110058
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan)

5. The Principal, Mahatma Jyoitiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

----Respondents

## D.B. Civil Writ Petition No. 2645/2021

Kailash Chand Yadav S/o Shri Rajendra Prasad Yadav, Aged About 22 Years, R/o Ward No. 7, Ndiya Wali Dhani Harota Teh Chomu Harota, Jaipur (Raj.) (Enrolment No. Drsrrau/2017/00558)

----Petitioner

#### Versus

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi - 110058
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 5. The Principal, Mahatma Jyoitiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

----Respondents

## D.B. Civil Writ Petition No. 2660/2021

Kanupria Singh D/o Shri Dharamveer, Aged About 21 Years, R/o 18 Near Sahwa Bus Stand, Kanau Colony, Nohar Hanumangarh, (Rajasthan) (Enrolment No. Drsrrau/2017/00326).

----Petitioner

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India Ne Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy

- Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi-110058.
- 3. The Vice-Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u), Nagaur Road, Karwar Jodhpur (Rajasthan).
- 5. The Principal, Punjab Ayurved Medical College And Hospital, Sri Ganganagar (Raj.).

## D.B. Civil Writ Petition No. 2689/2021

Abhishek Masar S/o Shri Anil K Masar, Aged About 25 Years, R/o Gangar Talai Banswara, Gangad Tali (Enrolment No. Drsrrau/2017/00302).

----Petitioner

## Versus

- The Union Of Inda, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri 'd' Block, New Delhi 110058.
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 5. The Principal, Punjab Ayurved Medical College And Hospital, Sri Ganganagar (Raj.).

----Respondents

#### D.B. Civil Writ Petition No. 2692/2021

Palak Sharma D/o Shri Narottam Sharma, Aged About 22 Years, R/o Dadwara Laal Bai Mata Mandir Ke Pass, Bhimganj Mandi Kota (Rajasthan) (Enrolment No. Drsrrau/2017/00582).

----Petitioner

#### Versus

- 1. The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri 'd' Block, New Delhi 110058.
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 5. The Principal, Mahatma Jyoitiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

----Respondents

## D.B. Civil Writ Petition No. 2694/2021

Vashudev Yadav S/o Shri Narendra Yadav, Aged About 24 Years, R/o Neem Ka Thana Bassri Khurd, Sikar (Rajasthan) (Enrolment No. Drsrrau/2017/00625).

----Petitioner

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri 'd' Block, New Delhi - 110058.
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 5. The Principal, Mahatma Jyoitiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

## D.B. Civil Writ Petition No. 2712/2021

Pushpa Dodiyar D/o Shri Devchand Dodiyar, Aged About 21 Years, R/o Post Vadalipada Tehsil Kushalgarh Khankhariya Banswara (Rajasthan) (Enrolment No. Drsrrau/2017/00346).

----Petitioner

#### Versus

- 1. The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri 'd' Block, New Delhi 110058.
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 5. The Principal, Punjab Ayurved Medical College And Hospital, Sri Ganganagar (Raj.).

----Respondents

## D.B. Civil Writ Petition No. 2713/2021

Nikhil Sharma S/o Shri Shiv Prakash Sharma, Aged About 21 Years, R/o Rc-14, Ridhi Sidhi Enclave, 2ML Ganganagar, Nathwala (Rajasthan) (Enrolment No. Drsrrau/2017/00216).

----Petitioner

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri 'd' Block, New Delhi - 110058.
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u.), Nagaur

- Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 5. The Principal, Punjab Ayurved Medical College And Hospital, Sri Ganganagar (Raj.).

## D.B. Civil Writ Petition No. 2714/2021

Manoj Kumar Gurjar S/o Shri Babu Lal Gurjar, Aged About 21 Years, R/o Dhani Sangawala Ki Salagavali Dhani Vill Achrol Teh. Amber Dist. Jaipur (Raj.) (Enrolment No. Drsrrau/2017/00388).

----Petitioner

#### Versus

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India Ne Delhi.
- The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi-110058.
- 3. The Vice-Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u), Nagaur Road, Karwar Jodhpur (Rajasthan).
- 5. The Principal, Shekhawati Ayurved College, Pilani Jhunjhunu (Raj.).

----Respondents

## D.B. Civil Writ Petition No. 2715/2021

Nirmal Kumar Meena S/o Shri Kalyan Singh Meena, Aged About 23 Years, R/o Kanchanpura, Chandrawali, Dholpur (Rajasthan) (Enrolment No. Drsrrau/2017/00337).

----Petitioner

## Versus

1. The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India

New Delhi.

- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri 'd' Block, New Delhi 110058.
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 5. The Principal, Punjab Ayurved Medical College And Hospital, Sri Ganganagar (Raj.).

----Respondents

## D.B. Civil Writ Petition No. 2717/2021

Pradeep Kumar Lata S/o Shri Krishan Kumar, Aged About 30 Years, R/o Jaswantgarh, Balsamand, Jaswantgarh, Nagaru (Rajasthan) (Rajasthan) (Enrolment No. Drsrrau/2017/00587).

----Petitioner

#### Versus

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri 'd' Block, New Delhi 110058.
- 3. The Vice Chancellor, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan).
- 5. The Principal, Mahatma Jyoitiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur.

----Respondents

## D.B. Civil Writ Petition No. 3029/2021

Vikas Kumar S/o Shri Shiv Shankar, Aged About 22 Years, R/o Karejra Brahmno Ka Mohalla Bhaseena, District Churu, (Rajasthan) (Enrolement No. Drsrrau/ 2017 / 00529)

----Petitioner

## Versus

- 1. The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi 110058
- 3. The Registrar, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan)
- The Principal, Kala Ashram Ayurved Medical College And Hospital, Address Nh-27 Village Bansada, Tehsil Gogunda, District Udaipur.

----Respondents

## D.B. Civil Writ Petition No. 3074/2021

Ankit Kumar Kalyan S/o Shri Nan Ram, Aged About 24 Years, R/o 4 Ka 127 Shivaji Park, Alwar (Raj.) (Enrolment No. Drsrrau/2017/00478).

----Petitioner

- The Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India New Delhi.
- 2. The Central Council Of Indian Medicines, Jawaharlal Nehru Bhartiya Chikitsa Avam Homeopathy Anusandhan Bhawan, 61-65, Institutional Area, Jankpuri D Block, New Delhi - 110058
- 3. The Registrar, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S.r.a.u.), Nagaur Road,

Karwar, Jodhpur (Rajasthan)

- 4. The Controller Of Examination, Dr. Sarvepalli Radhakrishnana Rajasthan Ayurvedic University, (Dr. S. R.a.u.) Nagaur Road, Karwar, Jodhpur (Rajasthan)
- 5. The Principal, Kala Ashram Ayurved Medical College And Hospital, Address Nh-27 Village Bansada, Tehsil Gogunda, District Udaipur.

----Respondents

## D.B. Civil Writ Petition No. 4023/2021

- 1. Himanshu Satyapur S/o Kishan Lal, Aged About 21 Years, Vpo Keriya, Tehsil Sanchore, District Jalore.
- 2. Omprakash S/o Bhiyaram, Aged About 21 Years, Vpo Pawdo Kathla Dhanau, Tehsil Chohtan, District Barmer
- Amit Kumar Choudhary S/o Birdichand Choudhary,
   Aged About 23 Years, Vpo Rampura, Tehsil Amer,
   District Jaipur
- 4. Sawai Singh S/o Sujanaram, Aged About 21 Years, Vpo Vishnu Colony, District Barmer.
- 5. Girdhari S/o Budha Ram, Aged About 23 Years, Vpo Maliya Ki Dhani, Mithya Bera Bhavi, Tehsil Bilada, District Jodhpur.
- 6. Sahil Bangra S/o Sahdev Ram, Aged About 21 Years, Vpo Silaviya, Tehsil Jayal, Nagaur
- 7. Rajpal Vishnoi S/o Pukhra Vishnoi, Aged About 21 Years, Hapu Ki Dhani, Jalov Bhalni, Rajasthan
- 8. Deepak Choudhary S/o Bhanwar Ram, Aged About 22 Years, Vpo Dehcri, Tehsil Jayal, Nagaur
- 9. Dharam Ram S/o Shrwan Kumar, Aged About 22 Years, Madhariyan Ki Dhani, Panchlasidha, Rajasthan.

----Petitioners

- Union Of India, Through The Secretary To The Government, Ministry Of Ayush, Government Of India, Ayush Bhawan, B Block, G.p.o. Complex, Ina, New Delhi, India (110023)
- 2. The Central Council For Indian Medicine, Situated At Janakpuri, New Delhi (110058)

- 3. Dr. S.r. Rajasthan Ayurved University, Karwar, Nagaur Road, Jodhpur, Through The Registrar At Jodhpur.
- 4. The Controller Of Examination, Dr. S.r. Rajasthan Ayurveda University, Karwar, Nagaur Road, Jodhpur Through Its Registrar At Jodhpur.

For Petitioner(s) : Mr. Ashok Chhangani, Mr. Avin

Chhangani and Mr. Nitin Goklani.

For Respondent(s) : Mr. S.P. Joshi for Mr. Sunil Joshi,

Mr. Mukesh Rajpurohit, ASG with Mr.

Navneet Singh. Mr. Suniel Purhoit.

## HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI HON'BLE MR. JUSTICE SUDESH BANSAL

## Order

## 29/11/2021

In this group of petitions, the petitioners have challenged the vires of Regulations 6(1)(c), 6(2)(c) and 6(4)(d) of the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Amendment Regulations, 2016 (hereinafter to be referred to as the said Regulations). The petitioners have also prayed for consequential directions for allowing them to appear in the examination which was to be held shortly after the petitions were filed.

The facts may be noted from Writ Petition No.2638/2021 in the case of Rajesh Choudahry. The petitioner was admitted in Mahatama Jyotiba Fule Ayurved Maha Vidhyalaya, Chomu, District Jaipur in the academic year 2017 in the Aurved Medicine course after passing his senior higher secondary Examination and on the basis of pre-ayurvedic test conducted by the State of Rajasthan for such purpose. He appeared in the examinations of first and

second professionals i.e. Academic Year 2017. He could not clear the said examinations in four chances. Based on Regulation No.6(4)(d) of the said Regulations, he was debarred from appearing in further examinations, upon which he filed this petition in which, as noted, he has challenged the vires of regulations concerned.

Learned counsel for the petitioners have vehemently argued before us that these regulations are unreasonable and arbitrary and are reconcilable with the provisions contained in the regulations itself permitting total nine years duration for completing the entire course. They have argued that earlier there was no such bifurcation in the regulations requiring the students to clear papers of each year within maximum number of years. They have therefore submitted that the regulations are unreasonable, arbitrary and thus violate Article 14 of the Constitution and need to be struck down.

The learned advocates also contended that the Ministry of Ayush, which is also an apex body governing the standards of homeopathy medicines, has not framed any such regulations for the said course. Our attention was also drawn to the regulations framed by the Medical Council of India for the purpose of medical education in which barring the first year examination no ceiling of number of attempts permissible to a student has been laid down. Reliance was placed on the decision of the Supreme Court in case of **Kuldeep Singh and Others Vs. Unni & Another [2007 (2) SCC 365]** to contend that a regulation, which is unreasonable or arbitrary, should be set aside.

The Central Council of Indian Medicine respondent No.2 has filed a reply in which it is contended that the regulations were

framed prescribing the minimum standards of education with the aim of producing graduates having profound knowledge of Ayurveda as well as knowledge of scientific advances in modern medicines. It is pointed out that Bombay High Court in a Writ Petition No.4720/2012 (Pawar Nitin Madhukar Dadasaheb Swaroop Sinh Naik and Others - decided on 03.12.2013) had asked the council to file an affidavit as to how a student despite failing in the first attempt endlessly goes on appearing in the subsequent examinations without any limit of chances. It was pursuant to this order passed by the Bombay High Court, the counsel took a decision to further amend the regulations providing limit of attempts to qualify in each examination. The decision was taken by the Executive Council. In short, the regulations of 2016 are valid.

Having heard learned counsel for the parties and having perused the documents on record, we find that the Indian Medicine Central Council Act, 1970 ('the Act' in short) was framed to provide for constitution of Central Council of Indian Medical and Maintenance of Central Register of Indian Medicine and matters connected therewith. The statement of objects and reasons for framing the said law provides that the question of establishing the statutory composite Central Council for Indian systems of medicine (Ayurveda, Siddha and Unani) and Homeopathic system of medicine, on the analogy of Medical Council of India was under consideration of the Government of India for sometime. It was found desirable to lay down minimum standards for admission, duration of courses of training, details of curricula and syllabi of studies and the title of degree or diploma that may be awarded. The main functions of the Council would be to evolve uniform

standards of education in these systems. For such purpose, the Council would constitute separate committees for Ayurveda, Siddha, Unani and Homeopathy consisting of members of the respective systems of medicine to deal with the matters pertaining of those systems.

Section 3 of the Act envisages constitution of Central Council. Section 36 of the Act pertains to power to make regulations. Under sub-section 1 of section 36, the Central Council may with the previous sanction of the Central Government make regulations to carry out the purposes of the Act by issuing a notification and in particular with respect to several matters referred to in clause (a) to (p) contained therein. Clause (i) of sub-section of section 36 pertains to the courses and period of study and of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in any university, board or medical institutions for grant of recognized medical qualifications. Clause (k) pertains to conduct of professional examinations, qualifications of examiners and the conditions of admissions to such examinations.

In exercise of such powers, the Council had framed the regulations which came to be amended by the impugned regulations of 2016. The relevant portion of these regulations reads as under:

- "6. Scheme of examination.- (1) (a) The first professional session shall ordinarily start in July and the first professional examination shall be at the end of one academic year of first professional session;
- (b) The first professional examination shall be held in the following subjects, namely:-
- (i) Padarth Vigyan evam Ayurved Itihas;
- (ii) Sanskrit;
- (iii) Kriya Sharir (Physiology);
- (iv) Rachana Sharir (Anatomy); and

- (v) Maulik Siddhant evam Ashtanga Hridaya (Sutra Sthan);
- (c) The failed student of first Professional shall be allowed to appear in second professional examination, but the student shall not be allowed to appear in third professional examination unless the student passes all the subjects of first professional examination and maximum four chances shall be given to pass first professional examination within a period of maximum three years.
- (2) (a) The second professional session shall start every year in the month of July following completion of first professional examination and the second professional examination shall be ordinarily held and completed by the end of month of May or June every year after completion of one year of second professional session;
- (b) The second professional examination shall be held in the following subjects, namely:-
- (i) Dravyaguna Vigyan (Pharmacology and Materia Medica);
- (ii) Rasashastra evam Bhaishajya Kalpana (Pharmaceutical Science);
- (iii) Roga Nidan evam Vikriti Vigyan (Diagnostic Procedure and Pathology); and
- (iv) Charak Samhita-Purvardh (an ancient Ayurvedic text, Part -I);
- (c) The failed student of second professional who have passed all the subjects of first professional examination shall be allowed to appear in third professional examination, but the student shall not be allowed to appear in final professional examination unless the student passes all the subjects of second professional examination and maximum four chances shall be given to pass second professional examination within a period of maximum three years.
- (3) (a) The third professional session shall start every year in the month of July following completion of second professional examination and the third professional examination shall be ordinarily held and completed by the end of the month of May or June every year after completion of one year of third professional session;
- (b) The third professional examination shall be held in the following subjects, namely:-
- (i) Agad Tantra Vyavahar Ayurveda evam Vidhi Vaidyaka (Toxicology and Medical Jurisprudence);
- (ii) Charak Samhita-Uttarardh (an ancient Ayurvedic text, Part -II);
- (iii) Swasthavritta and Yoga (Preventive and Social Medicine and Yoga);
- (iv) Prasuti evam Striroga (Obstetrics & Gynaecology); and
- (v) Bal Roga (Paediatrics);

- (c) The failed student of third professional who have passed all the subjects of first and second professional examinations shall be allowed to appear in final professional examination and maximum four chances shall be given to pass third professional examination within a period of maximum three years.
- (4) (a) The final professional session shall be of one year and six months duration and shall start every year in the month of July following completion of third professional examination and the final professional examination shall be ordinarily held and completed by the end of month of October or November every year after completion of one year and six months of final professional session;
- (b) The final professional examination shall comprise of the following subjects, namely:-
- (i) Shalya Tantra (General Surgery);
- (ii) Shalakya Tantra (Diseases of Head and Neck including Ophthalmology, Ear, Nose, Throat and Dentistry);
- (iii) Kayachikitsa (Internal Medicine-including Manas Roga, Rasayan and Vajikarana);
- (iv) Panchakarma; and
- (vi) Research Methodology and Medical-statistics;
- (c) Research Methodology shall remain in the department of Samhita Siddhant but for the purpose of teaching, Bio-statistician shall be required as part time to teach Research Methodology;
- (d) The student failed in any of the four professional examinations in four chances shall not be allowed to continue his or her studies:

Provided that, in case of serious personal illness student and in any unavoidable of Vice-Chancellor circumstances, the concerned University may provide one more any chance in one of four professional examinations;

(e) To become eligible for joining the compulsory internship programme, all four professional examinations shall be passed within a period of maximum nine years including all chances as mentioned above."

As per these regulations thus in terms of clause 1(c) the failed student of first professional examination can be allowed to appear in second professional examination, but may not be allowed to appear in third professional examination unless he or she passes all subjects of first professional examination for which

purpose maximum four chances will be given within a maximum period of three years. Likewise, as per clause 2(c), the student who has failed in second professional examination would have a maximum of four chances in three years to clear the same. As per clause 4(d), a student who has failed in any of the four professional examinations in the four chances shall not be allowed to continue the studies. Proviso below clause (d) provides that in case of serious personal illness of a student or in any unavoidable circumstances, the Vice Chancellor of the concerned University may provide one more chance in any of the four professional examinations.

The combined effect of these Regulations is that at every stage the regulation framing authority has put a ceiling of number of chances and time duration for clearing a particular level. While doing so, the proviso has given power to the Vice Chancellor to grant limited relaxation under certain circumstances. Per se, the said regulations cannot be said to be arbitrary or unreasonable. To begin with, the Regulations are framed by the Medical Council in exercise of statutory powers under Section 36 of the Act. When an expert body specifically constituted for such purpose has formed a matured opinion as to the number of maximum chances and the maximum period that may be allowed to a student to clear certain examinations, this Court would not substitute its own wisdom and call in question the wisdom of the rule making authority particularly in technical fields duly aided by the experts of the field. What should be the duration of the course, what should be the number of chances that may be allowed to the students for clearing a certain level of examination and such similar issues are in the realm of the policy which the statutory

council is entrusted to decide. Merely because clause (e) of Regulation 6(4) envisages a maximum duration of nine years for completing the entire course, would neither run counter to the impugned regulations, nor would in any manner be contrary to the scheme of Regulation 6. The scheme that is discernible upon reading of Regulation 6 as a whole is, that the Medical Council while providing an upper limit of maximum nine years to complete the entire course, has further sub-divided such time for the students at each stage of such course. The argument of the learned counsel for the petitioners that such further sub-division was not permissible or was contrary to clause (e) of Regulation 6(4) is not correct. Both these provisions namely the overall ceiling of total duration for completing the course and further subdivisions within each stage of the course can co-exist and operate The individual provisions ensure maximum simultaneously. chances and duration for clearing a stage of the course, whereas clause 6(4)(e) envisages completion of the entire course in maximum nine years duration.

Merely because in the unamended Regulations there was no such sub-division of total nine years of period granted to the students for clearing the entire course would not mean that the amendments are bad in law. Further, these Regulations cannot be compared with other courses for deciding their validity. Each stream of study particularly in the field of medicine has to be treated and reckoned separately. It is the task of expert body such as the Council created under the Act to prescribe necessary requirements for conducting a course.

In the result, we find no merit in these petitions and are, therefore, dismissed.

(SUDESH BANSAL),J (AKIL KURESHI),CJ

a.asopa/-

