

# National College Of Ayurveda vs Union Of India & Ors on 6 April, 2021

**Author: Prateek Jalan**

**Bench: Prateek Jalan**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4242/2021

NATIONAL COLLEGE OF AYURVEDA

..... Petitioner

Through: Mr. Animesh Kumar, Advocate.

versus

UNION OF INDIA & ORS.

..... R

Through:

Mr. Jivesh Kumar Tiwari

Panel Counsel with Mr.

GP for R-1.

Ms. Archana Pathak Dave

Advocate for CCIM.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 06.04.2021 The proceedings in the matter have been conducted through hybrid mode [physical and virtual mode].

CM APPL. 12894/2021(exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 4242/2021 & CM APPL. 12893/2021(ad interim relief)

1. Issue notice. Mr. Jivesh Kumar Tiwari, learned Senior Panel Counsel, accepts notice on behalf of respondent no.1. Ms. Archana Pathak Dave, learned counsel, accepts notice on behalf of respondent no.2/Central Council of Indian Medicine. Notice to respondent no.3 be served by all permissible modes.

2. The petitioner assails an order dated 26.03.2021 by which the petitioner's application for permission to conduct the Ayurveda course has been declined.

3. Several similar petitions by other institutions are pending before this Court, and are next listed on 15.04.2021.

4. By an order dated 26.03.2021 in W.P.(C) 4033/2021 [Vivek College of Ayurvedic Science and Hospital vs. Union of India & Ors.] and connected matters, this Court had inter alia recorded as follows: -

"9. In order to allay the apprehension of the petitioners that the petitions would be rendered infructuous in the absence of interim relief, however, learned ASG states, upon instructions, that in the event the petitioners are successful in the writ petitions, the Union will facilitate an additional round of counselling at that stage, to enable prospective students to take admissions in the institutions concerned.

10. The aforesaid submission of the learned ASG is taken on record. In view thereof, I am of the view that the interest of the petitioner-institutions is substantially protected. I, therefore, propose to give the respondents an opportunity to file affidavits, and to hear the petitions finally, binding the Union to the statement made above.

11. However, to protect the interests of all parties in the meanwhile, the following additional directions are required to be passed:

a. The proposal of the Union to facilitate an additional round of counselling in the event the petitioner succeeds in the writ petitions should be communicated by the Ministry of AYUSH, Government of India and the CCIM to the concerned departments of all State Governments and Union Territory administrations, as expeditiously as possible, and definitely within two days from today, in order to enable the State Governments and Union Territory administrations to decide the further course of counselling in their respective jurisdictions.

xxxx                      xxxx                      xxxx

c. In several of the petitioner-institutions, studen

already been admitted pursuant to the interim orders granted in earlier rounds of litigation, following an order of the Division Bench of this Court dated 04.02.2021 in LPA No. 49/2021 (Shivang Homeopathic College vs. Union of India & Ors.). It was also directed by the order dated 04.03.2021 (in W.P.(C) 514/2021 and connected matters) that the students already admitted would not be disturbed during the pendency of the petitioners' applications before the Union. Similar interim orders have been passed in some of these petitions, as well. In order to preserve the status quo with regard to the students so admitted, it is made clear that students who have already been admitted pursuant to the orders of this Court, will not be disturbed during the pendency of these petitions.

xxxx                      xxxx                      xxxx

e. The Grievance Redressal Committee ["GRC"],

constituted in terms of the aforesaid Status Note is also in seisin of the representations of several institutions, including some of the petitioner-institutions herein. It is made clear that the pendency of these petitions will not stand in the way of orders being passed by the GRC. However, in the event the orders of the GRC are adverse to the petitioner-

institutions, the admission already granted to students will not be disturbed without further orders of the Court."

5. The aforesaid directions contained in the order dated 26.03.2021 shall bind the parties in this writ petition as well.

6. Counter affidavit to the writ petition be filed positively by 12.04.2021. However, an advance copy be served upon learned counsel for the petitioner by 10.03.2021, to enable him to file a rejoinder by 14.04.2021.

7. List on 15.04.2021.

PRATEEK JALAN, J APRIL 6, 2021/'pv'/s