

**Court No. - 19**

**Case :-** MISC. SINGLE No. - 21132 of 2019

**Petitioner :-** Allama Iqbal Unani Medical College & Acn Hospital Thru. Secy

**Respondent :-** U.O.I. Thru. Min. Of Ayurveda Yoga & Naturopathy Unani Siddh

**Counsel for Petitioner :-** Padmesh Jain

**Counsel for Respondent :-** C.S.C.,Savitra Vardhan Singh,Sharad Nandan Ojha

**Hon'ble Vivek Chaudhary,J.**

Heard learned counsel for petitioner, Sri Savitra Vardhan Singh, learned counsel for respondent nos. 1 & 2, learned standing counsel for respondent nos. 3 & 4, Sri Sharad Nandan Ojha, learned counsel for respondent no.5 and Sri Savitra Vardhan Singh, learned counsel for respondent no. 6.

Petitioner has approached this Court challenging the order dated 22.07.2019 passed by the respondent Union of India restraining the petitioners and respondent No. 3 from giving admission to any students for the academic year 2019-2020.

The petitioner is a recognized institution and is running a *Unani College and Hospital* having 5 years permission from 2016-2017 to 2020-2021.

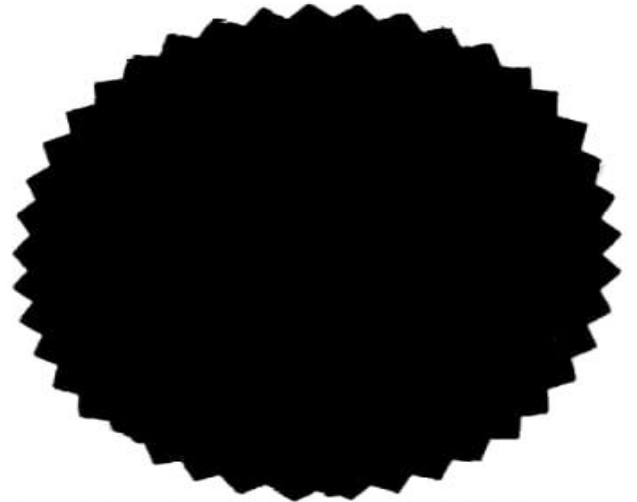
Respondent No. 5, CCIM got inspection conducted on 10/11.4.2019 and found certain deficiencies in the Institution. As per Regulation 3 (2) of Indian Medicine Central Council (Requirements of Minimum Standard for Under Graduate Unani Colleges and Attached Hospitals) Regulations, 2016, petitioners Institution is having 150 days' time to remove deficiencies but the Union of India in the impugned order has not granted 150 days' time to the institution and also denied permission for taking admissions in session 2019-2020.

Sri Savitra Vardhan Singh, learned for the Union of India and Sri Sharad Nandan Ojha, learned counsel for the CCIM strongly submit that if the Institution is permitted to take admission at this stage and it fails to remove the deficiencies within 150 days, it would be difficult to take any action against them. He places reliance upon the judgment dated 4.7.2018 passed in Civil Appeal No.6001 of 2018 :Medical Council of India. Vs. N.C. Medical College and Hospital and Ors. They further submit that the institution does not fulfill the requirement of RMS of 2016, as permission for admission in session 2019-2020 has been denied.

Sri Padmesh Jain, learned counsel for petitioner has strongly submitted that whatever may be the consequences, equity cannot overtake law and respondents are bound by the provisions of Regulations and they have no power to bypass the period of 150 days. He further submits that presuming deficiency is removed, the petitioners Institution would suffer loss of total year as it would not be able to take admission of students. Sri Padmesh Jain further submits that



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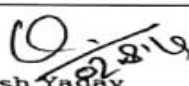
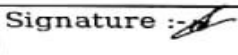


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**Computerized Copying Section, High Court of Judicature at  
Allahabad, Lucknow Bench**

Requisition Information								
Folio No.	Application Date	Case Type	Case No.	Year	Case filed at	Date of Judgment/Order	Court Fee	No.of Pages
64681 of 2019	1.8.2019	MISS	21175	2019	Lucknow	1.8.2019	15.0	2

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